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**Delivered: 15/8/2019**

**IN THE CORONER'S COURT IN NORTHERN IRELAND**

**IN THE MATTER OF AN INQUEST INTO THE DEATH OF  
JAMES OLIVER BRADLEY**

**HIS HONOUR JUDGE KINNEY**

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**Introduction**

- [1] This inquest concerns the death of James Oliver Bradley. He was usually known as Seamus and I will refer to him as Seamus Bradley in these findings. He died on 31 July 1972. He was 19 years old at the time. He was shot in the early morning of that date when he was at the Bishop's Field area of the Creggan. He died as a result of the injuries he sustained in that shooting.
- [2] An inquest into this death was originally held on 16th October 1973 and an open verdict was recorded. There was a police reinvestigation of the circumstances surrounding his death between 2000 and 2002. The Historical Enquiries Team (HET) subsequently examined and investigated the death and provided a report. The Attorney General for Northern Ireland directed on 16 July 2013 that a new inquest be held.
- [3] I heard this inquest sitting as a coroner without a jury with the consent of the parties. Section 18 of the Coroners Act (Northern Ireland) 1959 provides;

“(1) If it appears to the coroner, either before he proceeds to hold an inquest or in the course of an inquest begun without a jury, that there is reason to suspect that –

(a) [repealed]

(b) the death occurred in prison; or

(c) the death was caused by an accident, poisoning or disease notice of which is required, under or in pursuance of any enactment, to be given to a government department, or to any inspector or other officer of a government department or to an inspector appointed under Article 21 of the Health and Safety at Work (Northern Ireland) Order 1978; or

(d) [repealed]

(e) the death occurred in circumstances the continuance or possible recurrence of which is prejudicial to the health or safety of the public or any section of the public;

he shall instruct the Juries Officer to summon a sufficient number of persons in accordance with the Juries (Northern Ireland) Order 1996 to attend and be sworn as jurors upon such inquest at the time and place specified by the coroner.

(2) If in any case other than those referred to in sub-section (1) it appears to the coroner, either before or in the course of an inquest begun without a jury, that it is desirable to summon a jury, he may proceed to cause a jury to be summoned in accordance with the said sub-section.”

- [4] Rules 15, 16 and 22 of the Coroners (Practice and Procedure) Rules (Northern Ireland) 1963 set out the matters to be determined in the inquest. They provide as follows;

“15. The proceedings and evidence of an inquest shall be directed solely to ascertaining the following matters, namely:

(a) Who the deceased was;

(b) How, when and where the deceased came by his death;

(c) The particulars for the time being required by the Births and Deaths Registration (Northern Ireland) Order 1976 to be registered concerning the death.

16. Neither the coroner nor the jury shall express any opinion on questions of civil or criminal liability or in any matter other than those referred to in the last foregoing rule provided that nothing in this Rule shall preclude the coroner or the jury from making a recommendation designed to prevent the recurrence of fatalities similar to that in respect of which the inquest is being held.

22. (1) After hearing the evidence the coroner, or, where the inquest is held by a coroner with a jury, the jury, after hearing the summing up of the coroner shall give a verdict in writing, which verdict shall, so far as such particulars have been proved, be confined to a statement of who the deceased was, and how, when and where he died.”

- [5] Seamus Bradley was born on 16 July 1953 and at the time of his death lived at 12 Eastway Gardens in Derry. His father was James (Seamus) Bradley and his mother was Frances Bradley. Seamus was a single man employed as a scaffolder at Jefferson building contractors in the city of Derry. In the early hours of 31 July 1972 Seamus was struck by a number of bullets causing a range of injuries including the laceration of his left femoral artery which led to his death shortly afterwards.

- [6] The main issue to be determined in this matter relates to the circumstances in which Seamus met his death, and the circumstances in which the bullets causing his death came to be discharged. There was evidence that an agent of the state may have been responsible for firing the shots that caused Seamus's death. Indeed there was no dispute amongst the properly interested persons in this inquest that Seamus was

shot by a soldier. The examination of the circumstances surrounding the death must therefore comply with the procedural requirements of Article 2 of the European Convention on Human Rights. This provides;

“1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.

2. Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary:

- a. in defence of any person from unlawful violence;
- b. in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
- c. in action lawfully taken for the purpose of quelling a riot or insurrection.”

- [7] The inquest should therefore not only seek to make a determination as to whether the use of lethal force was justified, it should also consider whether the operation in which such force was used was planned and controlled in such a way as to minimise to the greatest extent possible the need for recourse to lethal force.
- [8] In circumstances where Seamus Bradley is found to have been killed by an agent of the State, it is for the State to justify the force used. The standard of proof is the civil standard, that is, on the balance of probabilities. There is now considerable authority that the applicable standard of proof does not vary because of the serious issues involved in an inquest such as this. In applying the standard the inherent probability or improbability of an event is a matter to be taken into account when weighing the probabilities and deciding where, on balance, the truth lies.
- [9] The correctness of this approach was set out by Colton J in *Re Deery* [2017] NI Coroner 1 where he said at paragraphs 11-12;

“[11] In relation to the onus of proof in circumstances where Manus Deery was killed by an agent of the State, it is for the State to justify the force used. In relation to the standard in an inquest context any fact has to be proved to the civil standard, that is the balance of probabilities.

[12] Mr Justice Horner dealt with this issue in his recent judgment in the case of the inquest into the death of Patrick Pearse Jordan when he said as follows:

“[60] There has been extensive debate about the nature of the evidence necessary to satisfy the standard applicable, the balance of probabilities, in serious cases involving, as here, the intentional taking of human life. The matter is now well settled and I do not need to rehearse the debate. In Re CD’s Application [2008] UKHL 33 Lord Carswell giving the leading judgment in the House of Lords said that the proper state of the law was effectively summarised by Richards LJ in R (N) v Mental Health Review Tribunal (Northern Region) [2005] EWCA Civ 1605 at paragraph [62], where he said:

‘Although there is a single civil *standard* of proof on the balance of probabilities, it is flexible in its *application*. In particular, the more serious the allegation or the more serious the consequences if the allegation is proved, the stronger must be the evidence before a court will find the allegation proved on the balance of probabilities. Thus the flexibility of the standard lies not in any adjustment to the degree of probability required for an allegation to be proved (such that a more serious allegation has to be proved to a higher degree of probability) but in the strength or quality of the evidence that will in practice be required for an allegation to be proved on the balance of probabilities.’

Lord Carswell said at paragraph [28]:

‘It is recognised by these statements that a possible source of confusion is the failure to bear in mind with sufficient clarity the fact that in some contexts a court or tribunal has to look at the facts more critically and more anxiously than in others before it can be satisfied to the requisite standard. The standard itself is, however, finite and unvarying. Situations which make such heightened examination necessary may be the inherent unlikelihood of the occurrence taking place ...,

the seriousness of the allegation to be proved or, in some cases, the consequences which could follow from acceptance of proof of the relevant fact. The seriousness of the allegation requires no elaboration: a tribunal of fact will look closely into the facts grounding an allegation of fraud before accepting that it has been established'."

## **Background**

- [10] The Inquest heard evidence of the historical context in which this death occurred. 1972 was a particularly dreadful year in the history of the troubles in Northern Ireland. The British army had been deployed on the streets since August 1969. Their presence was regarded as oppressive by a substantial section of the community. The soldiers themselves were performing a role they were unfamiliar with. In Derry the tragedy of Bloody Sunday had taken place in January 1972. In various locations across Northern Ireland, but particularly in Belfast and Derry, communities had erected barricades and prevented access to those areas by the army or police. This led to a massive military operation called Operation Motorman, launched by the UK Government to clear the "no-go" areas. These areas included the Creggan area of Derry. There was a mobilisation of some 15,000 troops along with hundreds of vehicles and pieces of equipment. On the evening of 30 July 1972 the then Secretary of State for Northern Ireland, Mr William Whitelaw, made an announcement carried by the media which provided;

"From the time of this announcement there will be substantial activity by the security forces in various parts of Northern Ireland. The object is to enable the security forces to move freely throughout all areas and so protect the whole community. Where activity is taking place, people will best assist the security forces and protect themselves by keeping off the streets."

- [11] Sirens, whistles and bin lids were sounded by residents to let everyone know the Army were there. Whilst the Provisional IRA had publicly stated their intention to defend any attempt at forced entry to the no go areas, there was in fact little organised resistance. Operation Motorman passed off relatively quietly although there were sad and disturbing incidents which took place.
- [12] It is agreed and accepted that Seamus Bradley was a Provisional IRA member at the time of his death. Soldiers were warned by their superiors that the Provisional IRA intended to defend the no-go areas. The operation commenced at 4 am on the morning of 31 July 1972.

[13] An operational order for Operation Carcan (the aspect of Operation Motorman being carried out in Derry) was issued and signed by a Major Mullins. Under the heading "Use of Force" the order provided;

(a) IRA armed attacks and other forms of violence are to be defeated by resolute armed action in accordance with the rules of engagement contained in the Yellow Card (revised November 1971). Soldiers may also fire without warning under paragraph 12 of the Yellow Card.

(b)....

(c) Suppressive fire is not to be used.

(d) ....

(e) Minimum force must be used at all times to achieve the immediate aim."

[14] I had available to me in this inquest a very substantial number of historical documents including those relating to earlier investigations of this incident. I also had available to me earlier statements made by some of the witnesses who gave evidence at the first inquest. I heard evidence from a range of witnesses including Daniel Bradley who is the brother of Seamus Bradley, soldiers who had been involved in Operation Motorman in the Creggan area and more particularly in the events at Bishop's Field, civilians who witnessed aspects of the events, forensic scientists, pathologists, engineers and doctors. A common theme in this inquest, and indeed other inquests of a similar nature relating to events which occurred decades earlier, was a lack of contemporaneous evidence and information, the unavailability of witnesses either through death or incapacity and the inevitable challenges caused by asking individuals to recall events from over 45 years earlier. I can do no better than quote the words of Mr Justice Horner in the Inquest *Re Jordan [2016]* NI Coroner 1 when he considered the nature of these issues and difficulties posed to an inquest;

'[76] It is well recognised that delay of itself can cause injustice. This is because human recollection is fallible and it becomes, in general, more unreliable with the passage of time. This has been remarked upon in countless judgments. Any reasonable person knows that the separate recollections given today of an incident 25 years ago by two observers, no matter how vivid the happening, are likely to be very different. Further these recollections are likely to be very different from any recorded at the time. It is a universal truth recognised by many authors from Proust to Friel. I commented upon this in

McKee (Michael) v The Sisters of Nazareth [2015] NIQB 93 at paragraph [8].

[77] In R v John Robinson [1984] 4 NIJB MacDermott J said at paragraph 15:

“In this respect the accused’s evidence is clearly wrong and I ask why this is so. Is he lying or his recall faulty? The shooting incident occupied a time space that could better be measured in seconds rather than minutes and events were occurring much more quickly than it takes to describe them. It was a period of high tension and, he believed, high danger for the accused. Some people have the gift of total recall of events lasting long periods – others can get mixed up as to events which were over in seconds. This is not a personal reflection – it was confirmed by the evidence of Mr Patton, consultant psychologist. Having observed the accused and sought to assess his credibility quite objectively I am satisfied that his recall in relation to this part of the incident is and will remain distorted and that he is not lying or seeking to conceal something from me.”

[78] The problems with memory are compounded by delay. The law has long recognised this. Girvan LJ discussed the problem in R v JW [2013] NICA 6 in the context of historical sexual abuse. He said:

[14] What has been said in the context of the prejudice created by delay in the context of civil litigation applies with even greater force in the context of criminal proceedings for the outcome of criminal proceedings may subject the defendant to potentially severe penal consequences and to extensive damage to his private life and reputation. In Birkett v James [1978] AC 297 in the context of a civil case of alleged want of prosecution Lord Salmon said:

‘When cases (as they often do) depend predominantly on the recollection of witnesses, delay can be most prejudicial to defendants and to the plaintiff also. Witnesses’ recollections grow dim with the passage of time and the evidence of honest men differs sharply on the relevant facts. In some cases it is impossible for



justice to be done because of the extreme difficulty in deciding which version of the facts is to be preferred.’

As was pointed out by the Law Commission in its Consultation Paper 151 on Limitations of Actions the justification for limitation periods lies in the key concern that a defendant may have lost relevant evidence and be unable to defend the case adequately. Due to the loss of vouchers or other written evidence and the death or disappearance of witnesses it might be very difficult if not impossible for a defendant to meet a claim made after several years had gone by. Even where witnesses are still available they might have no memory or an inaccurate memory of the events in question. As long ago as 1829 in their first report the Real Property Commissioners (Parliamentary Paper 1829 Volume X 1, 39) stated that:

‘Experience leads us to the view that owing to the perishable nature of all evidence the truth cannot be ascertained on any contested question of fact after a considerable lapse of time.’

If this proposition were invariably the case all old criminal cases would be bound to be stayed because justice could not be done and a fair trial could not be conducted. Our criminal law does not go that far. A more accurate way of expressing the matter is that as time elapses the ascertainment of the truth of an allegation becomes increasingly difficult. As the Law Commission paper demonstrates it is clear that “it is desirable that claims which are brought should be brought at a time when documentary evidence is still available and the recollection of witnesses are still reasonably fresh”. This is the best way to ensure a fair trial and thus to maximise the chance of doing justice. Delay of its very nature increases the risk of injustice occurring. This is a point which any summing up should bring home to the jury so that they sufficiently appreciate the point.

[15] Where a recent complaint of sexual abuse is made a detailed investigation can be made of the allegation in its full factual matrix. The time of the alleged incident can be identified. The location can be identified, examined and photographed. Forensic examination can be carried out of the scene of the alleged crime, of the complainant and of the defendant. Body samples can be taken and analysed. Potential witnesses can be clearly identified and questioned. The precise familial or social context in which the alleged events happened can be closely scrutinised so that as clear a picture as possible can be formed of the full context of the alleged abuse. Any alleged recent complaints to third parties can be carefully scrutinised. The defendant will have an opportunity against the picture flowing from a recent investigation to put forward explanations of the alleged events, can respond to the specific allegations in their precise context and can present a full defence (such as an alibi) if one is available. Where an allegation is made long after the event and is made in an unidentified and wide time frame the police can carry out few of the investigative steps open to them at the stage of a recent complaint. The defendant thus suffers the real and clear prejudice presented by the fact that the complaint cannot be fully scrutinised and investigated in the light of recent events by an impartial police investigation. A consequence flowing from this is that the case will often come down to what is in reality a dispute between two persons with one person's word against another. A jury must fully appreciate the risks presented by having to decide a case on that basis since it necessitates the jury deciding whose evidence is preferable in the absence of any of the police investigative steps which are normally available to subject to scrutiny the honesty and reliability of a recent complaint. The absence of such timely investigation often removes the possibility of a more objective analysis. A jury should be made aware in the course of the summing up of these difficulties presented to a defendant arising out of a late complaint and a delayed investigation."

[79] In this inquest nearly 25 years have passed since the events which are under detailed consideration took place. The passage of such a period of time is bound to have affected the recollections of those who witnessed and participated in the

events of that fateful day 25 November 1992. Some witnesses may have deliberately tried to erase these terrible events from their memory. Some may, whether consciously or sub-consciously, be simply remembering the statements they gave after the event and/or their testimony to the original inquest in 1995 and/or the 2012 inquest. It is important that I recognise the weaknesses and difficulties that face any witness trying to recall accurately what happened a quarter of a century ago, a length of time greater than the period between the ending of the First World War and the commencement of the Second World War. It is not possible to over-estimate the difficulty in relying on sworn testimony in a search for the truth at a remove of 25 years from the event to which it relates.'

- [15] The problems identified by Mr Justice Horner in the context of a 25 year period are clearly and understandably exacerbated by a gulf in years which is almost double the period that inquest had to contend with. I am therefore grateful to all those who made the very considerable effort to give evidence to this inquest. I have no doubt that bringing back these events will be painful to some if not all of the witnesses, and I appreciate sincerely the efforts made by each to provide accurate evidence to me.
- [16] On the basis of the evidence before me there are three possible scenarios to be explored and it may be helpful if I set those out in brief form before considering the evidence in more detail.
- [17] The first account is from the Soldiers A and B, who gave an account of seeing an individual in a tree on Bishop's Field some 175 metres from their location. They said he was holding a machine gun. Soldier A sought authority from Soldier B to fire on the figure. Permission was given and Soldier A fired four shots. He reported that two missed and two struck the man who fell from the tree. Other soldiers were then commissioned to retrieve the man from an area close to the tree. He was subsequently recovered and placed in a Saracen to be taken to a first-aid post but he died enroute. Soldier A has since died and can be identified as Private Alan Jamieson. Soldier B has also died and can be identified as Colour Sergeant George Alexander Bryden. The other army witnesses have been granted anonymity and I shall return to that issue later.
- [18] The second account is provided by Mr Daniel Bradley. It is fair to say there are some inconsistencies in the evidence he provided to the inquest and also inconsistency with accounts he provided to others in the past. However the thrust of that evidence is that Daniel Bradley was with his brother Seamus on the morning in question. Seamus Bradley was running across Bishop's Field. A soldier got out of a Saracen armoured

vehicle and shot Seamus Bradley as he was running. Seamus Bradley did not have a weapon and he was not in a tree.

- [19] The third account was provided by an eyewitness, Raymond Carton, who first came forward as result of a public advertisement by the Coroner's Office in 2017 and gave evidence to the Coroner's Office shortly thereafter. He said he was in his home which faced onto Bishop's Field when he saw a man running across the field. He saw a Saracen pull on to Bishop's Field and a soldier got out of the back. The soldier knelt with one knee on the ground and raised his rifle aiming towards the man. Mr Carton said he then looked at the man running and saw him fall. The soldier got back in the Saracen, the Saracen moved to where the man had fallen and the man was put in the back of the Saracen and driven away. Mr Carton did not hear shots fired nor did he see muzzle flash from the rifle as he was watching the running figure.
- [20] Common to all three accounts is the involvement of a soldier as the individual who shot at the man, who I am satisfied was Seamus Bradley for reasons I will turn to later.

## **Forensic Pathology**

### Professor Marshall

- [21] There was considerable agreement between the pathologists who assisted the Inquest. Professor Marshall conducted the autopsy on 31 July 1972 and recorded the cause of death as a haemorrhage from the lacerated left femoral artery due to a bullet wound on the left thigh. He recorded the following injuries;
- a. A through and through wound of the left armpit.
  - b. An entrance wound on the left buttock and an exit wound on the right buttock. When a probe was inserted it extended to the right with an inclination of 20°.
  - c. An entrance wound on the outer side of the left thigh.
  - d. A gaping triangular laceration on the inner side of the thigh. When a probe was inserted it extended to the right through the thigh with an inclination of 30°.
  - e. An entrance wound on the outer side of the right calf and an exit wound on the inner side. When a probe was inserted it extended to the left with an inclination of 20°.
  - f. A through and through injury of the left foot, where there was a ragged laceration.

g. Petechial bruising in an area 14 x 9 cm across the front of the neck. It reproduced a pattern of vertical lines about 2 mm apart.

- [22] At the time of the autopsy Professor Marshall was the State Pathologist for Northern Ireland. He had considerable experience of gunshot wounds by the time of this autopsy. He concluded in his autopsy report;

"This man was healthy. There was no natural disease to accelerate death. He had been shot at least four times. One bullet had perforated the left armpit probably from front to back. It had passed just beneath the skin and had done no serious damage. The second bullet had struck the outer side of the left buttock and had gone to the right and slightly upwards to make its exit on the outer side of the right buttock. It had fractured the sacrum and bruised the rectum. The third bullet had struck the outside of the left thigh 6 inches above the knee and had emerged at the top of the inner side of that thigh after having severed the femoral artery. A fourth bullet had struck the outer side of the right calf about 6 inches above the ankle joint and had gone to the left and slightly upwards on the inner side of the calf. It had done no serious damage. A bullet had also perforated the left foot, from right to left, fracturing the foot bones. This could have been a fifth bullet or it could have been the same bullet which traversed the right calf. Death was due to the bleeding from the lacerated left femoral artery. The autopsy also revealed some bruises on the nose, lips and chin and some bruising with a vertical linear pattern on the chin and the front of the neck. These could have been caused when he collapsed after being shot."

- [23] Professor Marshall gave evidence to the Inquest. He was asked about the trajectory of the bullets. He said that Mr Bradley could have been in a number of positions depending on the level of the weapon being fired. If he was higher than the shooter and the shooter was firing up that would explain it. Alternatively the inclination of the wounds could be accounted for by movement of the body. He concluded that Seamus Bradley had to be more or less facing the person firing to sustain the wound to his armpit. The wound to the buttock was caused by a bullet which entered on the left-hand side and the wound to the right calf was caused by a bullet which entered on the right-hand side, as was the wound to Mr Bradley's left foot. All of the wounds were typical of high velocity weapon fire. Professor Marshall said there was nothing to suggest that the shots were fired at close range, nor was there any basis to say in what order the wounds were sustained. If the shots were fired in quick succession then the different entry wounds could be explained by the

movement of the body. The petechial injury to the neck was not likely to be caused by dragging but rather by something that had struck the neck and scraped along the neck, either up or down. Professor Marshall confirmed that there was no evidence of a close range wound, there was no evidence that Mr Bradley had been beaten or assaulted nor was there any evidence of strangulation. The fatal injury was the laceration of the femoral artery. If he had received prompt medical treatment it was possible that Seamus Bradley could have been saved.

- [24] Professor Marshall considered that the wound to the left armpit could have been sustained by Mr Bradley and that he initially would not have noticed the pain from it. He could not be conclusive that the wound was a front to back wound but felt it more likely. He said it was equivocal. If the wound was in fact from back to front then broadly speaking Seamus Bradley had his back to the shooter rather than facing him.
- [25] He considered that the petechial bruising on the neck could have been caused by his anorak collar but this would have required some form of impact to force the anorak collar against the neck.
- [26] Professor Marshall said that there was a complete severing of the femoral artery. It was put to him that one version of the events was that Mr Bradley was shot at approximately 4:45 am but was still alive at 5:45 am, an hour later. He was asked if this was a feasible timescale where there was a complete severing of the artery. Professor Marshall said that that was a very long time. He said however if the evidence was there, then we just had to accept it. If he were still alive an hour later then even at that stage treatment might have pulled him through but would have to have been expert treatment. It would have been touch and go but Professor Marshall said "where there is life there is hope".

#### Dr Curtis

- [27] Dr Curtis provided a report dated 19th June 2001. At that time he was a Consultant Forensic Pathologist and the Assistant State Pathologist for Northern Ireland. At the time of the inquest hearing he was Deputy State Pathologist for the Republic of Ireland. He also had considerable experience of gunshot wounds. He largely agreed with Professor Marshall's findings. He considered that it was perfectly possible for Seamus Bradley to have survived unaided for a period of an hour or so. It was his opinion that the entry wound to Seamus Bradley's left armpit was to the rear and the exit wound at the front. He then corrected this evidence to say that in fact he considered the wound to the front of the armpit was the entrance wound.
- [28] He considered the abrasions on Seamus Bradley's neck to be caused by blunt force trauma through contact with a rough surface. He could not

identify any particular surface other than to say it was rough. The markings were consistent with his neck being scraped in the act of falling out of a tree. They were not consistent with the pattern of injury as a result of an assault but could have been caused by a very rough handling of clothing.

[29] Both Professor Marshall and Dr Curtis agreed that the injury to the right calf and left foot could have been caused by the same bullet. This would be consistent with either scenario of a running motion, as well as the different positioning of foot and calf in a tree.

[30] Dr Curtis confirmed there was no evidence of any assault on Seamus Bradley, of torture, of being bound by barbed wire or of strangulation.

Professor Cassidy

[31] The third pathologist who gave evidence was Professor Cassidy. She has been a forensic pathologist for 33 years and the State Pathologist in Ireland since 2004. Again there was a very substantial agreement with the evidence given by the other pathologists. She agreed that one of the most important features of the gunshot wounds was that they were on two opposing trajectories. This left three possible explanations being first, that there were two gunmen firing from different directions, second that one gunman moved position or thirdly that there was movement of the victim. She considered it likely that all three of the injuries to the left side of Seamus Bradley – to the armpit, buttock and thigh were sustained from shots at the same time by the same person. She was unable to say whether the entry wound to the left armpit was from the front or the back. When considering the range of wounds she said it was unlikely that Seamus Bradley was standing in the same position throughout. She was unable to say what trajectory the shots may have had as this would be dependent on the position of Mr Bradley at the time. She commented that the wound to the buttocks and to the thigh had similar trajectories and it was likely that there were two bullets fired closely together one after the other whilst he was in a similar position. She could not say in what order the wounds were sustained. She could not provide one single scenario to accommodate all the injuries. She said there were a huge number of possible scenarios.

[32] She was asked to comment on the abrasions to Seamus Bradley's neck and agreed that they were likely caused by the movement of the body across a rough surface. It was possible that was caused by a fall from a tree but said that you would often find some evidence from the tree which caused the injury. It could have been caused by the zip on Seamus Bradley's jacket but the zip would have to be perpendicular to the neck and pulled up in such a way that the teeth are aligned and pulled up. She commented that falling from a tree and from a height of approximately

15 feet she would expect to see some grazing or some chaffing round his knees. She commented that Professor Marshall did not make mention of any other injuries and that she would assume that there wasn't anything else to see. Any scratch or bruise would have been noted by him. Professor Cassidy said that there would have been extreme movement of the body required to produce all of the gunshot injuries.

#### Mr Harkin

- [33] Mr Harkin is a consultant vascular surgeon at the Royal Victoria hospital Belfast. He provided a report to the inquest dated 4 April 2018.
- [34] In that report he confirmed that the laceration of a femoral artery was the fatal injury. He considered the scenario put forward by the army, that is, that Seamus Bradley lay for approximately one hour before being picked up in a Saracen. He also considered the scenario where Seamus Bradley was picked up by an army vehicle within a short time of being shot. In the latter scenario the shorter time would have meant less bleeding time, less blood loss and less likelihood of developing haemorrhagic shock. Mr Harkin said laceration to the femoral artery is a survivable injury. He said one would expect on balance that survival would have been more likely than not.
- [35] Correct treatment would have included first aid to reduce or stop the bleeding. Then one should treat shock and replace the blood lost by transfusion and finally restore blood flow to the leg by definitive repair of the femoral artery injury. Mr Harkin said bleeding could have been reduced by application of pressure using techniques known and applied by the military and civilian practice since historical records began. He confirmed that appropriate treatment would have been available at Altnagelvin Hospital in 1972.
- [36] In response to specific questions he confirmed that moving a casualty to an upright position and not applying pressure to a wound would be likely to increase bleeding. If bleeding had stopped then such movement would increase the risk of secondary re-bleeding.

#### **Forensic Engineer**

##### Brian Murphy

- [37] Mr Brian Murphy is an engineer and has wide experience of appearing as a professional witness. He prepared a number of reports and documents for the Inquest. There is unfortunately no record of the precise layout of the Bishop's Field area in July 1972. The maps he had accessed and provided to the Inquest would have been produced by surveyors from ordnance survey attending the site and making appropriate markings at the relevant time.



- [38] Bishop's Field is an area bounded by Bligh's lane, Iniscarn Road, Central Drive and Linsfort drive. These roads have remained unchanged but there have been significant changes to the buildings and structures on these roads. The layout of Bishop's Field itself has changed dramatically. One landmark has remained, St Mary's Church. The account given by Private Jamieson, soldier A, which I will set out in more detail later, places Seamus Bradley in a tree near this location. The accounts of the other witnesses, while varying considerably in content, to a large degree place Seamus Bradley in the same general area.
- [39] It proved impossible to identify with certainty what trees existed on Bishop's Field in 1972. On the 1961 Ordnance Survey plan there were a number of single marked trees. None appeared to be near St Mary's Church. Further maps were produced in 1967 and 1984. The 1967 map places a group of three trees near the location identified by Private Jamieson, and a further line of four trees further west. These trees all appear in the 1984 map, but have been marked for deletion, indicating that they have been removed at some point since the 1967 survey. By the time of the 1984 survey there had been substantial changes to Bishop's Field.
- [40] Mr Murphy also produced a map on which were marked the grid references provided to the inquest by Private Jamieson, Sergeant Bryden and Soldier C. Private Jamieson placed his own position at grid reference 4203 1642. Mr Murphy calculated that to be in the middle of the road at the bottom of Linsfort drive. Sergeant Bryden's grid reference placed Private Jamieson at 4202 1642. This would place Private Jamieson in the garden of number one Linsfort Drive. Private Jamieson further gave a grid reference for the tree in which he said he saw Seamus Bradley as 4211 1657. This correlated to a position on Bishop's Field to the side of St Mary's Church. Sergeant Bryden gave a grid reference for a tree as 4210 1658 which is a position just to the west of the grid reference provided by Private Jamieson. Soldier C also give a grid reference from where he said he found Seamus Bradley and that is the same as the grid reference given by Private Jamieson as the location of a tree.
- [41] The distances from the grid references for the position of Private Jamieson and the grid references for the location of the tree vary slightly, but within a range of 173 to 177m.
- [42] Mr Murphy also provided photographs including a number of photographs taken at some indeterminate time but probably around the early 1970s. The most helpful of these was photograph H in the photograph booklet. Mr Murphy cautioned against overreliance on the photograph as there could be issues with perspective which can make a photograph misleading as to the location of trees. Photograph H appears to been taken from the vicinity of 1 Linsfort Drive. The trees that are

visible are mature and the trees closest to St Mary's Church both seem quite bare of branches in the lower part of the tree.

- [43] Mr Murphy had also been asked to consider the view available to Mr Carton from his home at 19 Iniscarn Road. He calculated the distance from Mr Carton's house to where he said the Saracen sat as 175m. He calculated the distance from Mr Carton's house to where he said he saw the man fall, as 124 m. Finally the distance from Mr Carton's house to the trees marked on the plan was 113m. Mr Murphy was invited to draw conclusions from two aerial photographs provided to the inquest. He was reluctant to do so. He indicated that marks on the aerial photograph could possibly be trees casting a shadow, but also indicated his view that some of the marks were in fact pen marks. When asked whether he felt he could give an expert opinion, Mr Murphy frankly accepted that he had not viewed a lot of aerial photographs and did not want to be definitive. I therefore attach little weight to the aerial photographs.

### **Contemporaneous Accounts.**

#### Soldier A and Soldier B

- [44] These witnesses have now been identified as Private Alan Jamieson and Colour Sergeant Bryden respectively. Both of these witnesses are now deceased. The inquest had evidence allowed under rule 17 of contemporaneous statements made by both Private Jamieson and Sergeant Bryden.

The relevant part of Private Jamieson's statement reads;

"My orders were to secure and maintain a firm base covering the waste ground between the roads, Blighs Lane, Iniscarn Road, Linsfort Drive and Central Drive. To do this I took up a position behind the hedge in the garden of No 3 Linsfort Drive at grid 42031642. At approximately 0445 I saw a group of ten (10) persons run behind a fire that was burning in front of the Central Drive shops. They ran from the right of the fire to my extreme left but one person broke away from the group. He ran from the left of the shops across the waste ground to a group of trees situated near Blighs Lane at grid 42111657. I saw what looked like a submachine gun in his hand as he ran. He stood under the tree for approximately 3 minutes and then slung the weapon over his shoulder and began to climb. As he started to climb I asked Soldier "B" to come to my position and confirm that the person was a gunman. He looked through the starlight scope on my rifle and confirmed that he was a gunman and ordered me to fire. I fired four shots at the person, the first two missed. On my third shot I saw the person let go of a branch

and clutch his ankle. On the fourth shot he actually fell from the tree arms and legs apart. I did not see the person again as he fell down a small dip on the Blighs Lane side of the trees and was hidden from view. The weapon I used was an SLR 7.62 Number 41522 and I had 20 rounds of ammunition. I could not describe the person as it was too dark."

The relevant part of Sgt Bryden's statement reads;

"On 31 July 1972 about 0455 hours I was deploying my section in Iniscarn Road and Linsfort Drive, Creggan. Soldier "A" was deployed behind a hedgerow at grid 4202 1642 and armed with a SLR. He was observing the general area of St Mary's Church. I was in Linsfort Drive when Soldier "A" shouted that he had seen a gunman and ran across to Soldier "A"'s position and he told me that there was a gunman in the tree on its own at grid 421 01658. I told Soldier "A" not to fire as B Coy of our unit were in the area. I observed the tree through a starlight scope and saw a man alert 15 feet up this tree. I saw that this man was wearing civilian clothes and had a weapon which appeared to be a T.S.M.G. in his hands. This gunman was standing on a branch and leaning with his back to the trunk of the tree. As I was observing this gunman I saw two men standing at the base of the tree. I couldn't see if they were armed as my attention was on the gunman in the tree. I ordered Soldier "A" to engage the gunman and I left him to take control of my section. Several seconds later I heard several high velocity shots being fired which I knew where from Soldier "A" and directed at the gunman in the tree. I heard a loud painful scream from the direction of the gunman. I observed the tree through my starlight scope and saw that the gunman was not there anymore. I looked to the base of the tree and noticed that the two men who were there previously had gone. I couldn't see the body of the gunman due to a slight slope behind the tree downwards and backwards. The distance between Soldier "A" and the gunman in the tree was about 175 metres."

#### Daniel Bradley

- [45] Mr Bradley made a statement to the Coroners Service dated 30 June 2017. He provided a history of events on the night of 30 of July 1972. He said he was with his brother. He described being at a dance in Donegal and returning home. He then left the house with his brother in spite of the curfew imposed by the IRA that night. He spoke of a large group of people gathering at the Creggan shops. He said he attended a house with his brother along with other people. About 10 to 20 nail bombs were handed out in the house but he didn't take one and nor did his brother

Seamus. They then went to the shops at Central Drive. An Army Saracen came from the direction of Westway. Mr Daniel Bradley thought a nail bomb was thrown at the Saracen from behind the Telstar bar. That was the only bomb that was thrown as far as he was aware. He then described another Saracen, which came towards the shops from the direction of Linsfort Drive. Everyone panicked and Seamus Bradley told another man present to take Daniel Bradley to safety. He said that Seamus then ran onto the road, paused for a couple of seconds to make sure the soldiers saw him, and jumped over the fence onto Bishop's Field.

- [46] Mr Bradley said the first Saracen had its lights on and lit up the field, shining the light on Seamus as he ran down the field. The second Saracen parked opposite the shops facing the Telstar bar and its lights were on Saracen one. Mr Bradley described how a soldier got out of the second Saracen, ran to the front of it, knelt down, took aim at Seamus and shot him. He said the weapon was an SLR rifle with a scope attached. Daniel Bradley was watching this from the shops and saw Seamus fall. He said that he was then taken inside the flats which were above the shops. Mr Bradley looked out of the bedroom window and had a clear view of Seamus. He was lying in the same spot. He said he must have lay there for approximately 5 minutes. Daniel Bradley saw Seamus Bradley get back up. At this stage a soldier got out of the first Saracen, knelt beside the driver's side window armed with an SLR and fitted with a scope. He shot Seamus as he was standing up and Seamus fell again in the same place. A further 5 minutes passed with Seamus still lying where he fell before the Saracens moved towards him, both proceeding onto Bishop's Field. The first Saracen picked Seamus up and placed him in the back of the Saracen. About six soldiers got out of the vehicle and placed Seamus inside. Daniel Bradley said Seamus was doing a lot of shouting and screaming. He said he couldn't make out what he was saying but knew he was being beaten due to the noises. He said he could still hear him as the doors were closed and that was the last time he saw his brother. He confirmed that Seamus Bradley was not carrying a weapon at the time of his death and he posed no threat to anyone.
- [47] Mr Bradley went on to say that he believed his brother fell unconscious in the Saracen and that about 300-400 yards before reaching the school Seamus jumped out of the Saracen. He said he thought the soldiers placed an Army belt around his neck.
- [48] Daniel Bradley made a further statement dated 5 December 2017. In the statement he said that he was told on 1 August 1972 by a masked man that he was not allowed to make any statement and was to deny any knowledge of anything that happened the previous night.
- [49] In his oral evidence Mr Bradley corrected some of the aspects of the statement. He said the first Saracen came from the Linsfort Drive

direction, not Westway, as he said in a statement. He in fact reversed the position of the two Saracens from his original statement. He said that the mistake was made by the Coroner's Office not him. However it was then pointed out to him that he had provided the sketch map himself showing the two Saracens labelled in accordance with his original statement. In oral evidence he said that a soldier got out of the Saracen which approached from Linsfort Drive and fired a single shot which he believed hit his brother. In his statement Daniel Bradley said he saw his brother fall on the same place and that he had not moved further forward. In his oral evidence he said that he had moved forward and that when he got up he started to stagger. He then said that the Saracen which picked Seamus Bradley up was the Saracen described as Saracen two in his statement and therefore his evidence had changed on this point. He said he couldn't see the soldiers putting his brother into the back of the Saracen nor could he say whether the soldiers got back into the Saracen themselves. He said he did hear his brother squeal. He did not see a struggle. He put the time of the incident and at around 4.20 or 4.25 in the morning. He said he didn't know the exact time. It was put to Mr Bradley that some of the account given in a statement to the Coroners Service and in oral evidence contradicted a statement he had made to the HET enquiry. That statement was unsigned. In that account he said he saw a soldier get out of a Saracen, take-up a kneeling position and fire a shot at Seamus. When his brother fell to the ground he got back up and the soldier, who was still in a kneeling position, fired again at Seamus hitting him again and he fell again. He said that he wanted to go to his brother's aid but was prevented and he was dragged to a flat. The sequencing of this account is quite different to other versions Mr Bradley has provided. In his statement to the HET he also said "I can definitely say that only one soldier fired at Seamus and he only fired two shots." Mr Bradley said he could not recall saying that and did not believe that he did say that.

- [50] The account from the two soldiers (A and B) differs markedly from that provided by Mr Daniel Bradley, the brother of Seamus Bradley. The inquest heard considerable evidence relating both to previous accounts provided by Mr Bradley and his direct oral evidence provided to the inquest during the course of the hearing. It is fair to say that there were very substantial inconsistencies in these accounts, which in my view went well beyond any latitude to be properly afforded due to the passage of time. Some examples of those inconsistencies are as follows.
- [51] Mr Bradley gave an account to police in August 1999. He spoke to Detective Inspector Harkness. The papers provided to the inquest disclose a note of that conversation. Mr Bradley told Detective Inspector Harkness that on the morning of 31 July 1972 Seamus Bradley was a member of an IRA active service unit. He was carrying a rifle when shot by the British army. Seamus Bradley was then taken prisoner in a

Saracen, had barbed wire placed round his neck, was dragged by the neck behind an army vehicle before being hanged on Bishop's Field. Daniel Bradley claimed that the British army had broken the terms of the Geneva Convention and had tortured Seamus Bradley for some time prior to his body being found. Mr Bradley was questioned about this statement and said in his evidence he did not remember this account but did not believe it was so. He said Detective Inspector Harkness had recorded lies. However the allegations resonate with earlier accusations made by his father about the alleged treatment of Seamus.

- [52] Mr Bradley did not disclose that he was allegedly present at the time of the shooting of his brother until he spoke to the police in 2000. The inquest heard evidence from Detective Chief Inspector Maxwell who was serving in Strand Road PSNI Station in Derry in 1999 and 2000. He became involved with this matter after an article appeared in the newspaper in which Mr Daniel Bradley made a number of allegations in relation to the death of Seamus Bradley in 1972. DCI Maxwell then had a number of conversations with Mr Bradley. On 2 June 2000 Mr Bradley told DCI Maxwell that he was with his brother Seamus on the morning of 31 July 1972. He said his brother was carrying an M1 rifle. It was approximately 4:40am. He said several Saracens appeared and Seamus Bradley threw the rifle into a bus and ran towards St Mary's School. Several shots were fired. He said his brother was shot in the foot and was pulled into the Saracen by the Army and he then heard three further gunshots inside the Saracen. He said there were witnesses to the incident but he would not disclose their names. DCI Maxwell made a note of this information.
- [53] Mr Bradley denied having said that Seamus Bradley was armed with an M1 rifle during the course of his evidence to the inquest. DCI Maxwell had no prior involvement with Mr Bradley or Operation Motorman. He came to Strand Road in 1998. Mr Bradley declined to make a signed statement but Mr Maxwell treated him as coming forward as a witness to an incident. It was put to DCI Maxwell on behalf of Mr Bradley that he had been threatened into making assertions about his brother having a gun and had been manipulated on a number of occasions by various agencies. Mr Maxwell said that he had no knowledge of any such background. Mr Bradley in his evidence said that he believed that the note of the meeting with DCI Maxwell was fabricated by someone. He said that police always believed he was in the IRA and the police always had surveillance on him. He said the police put in bugs and listened to every conversation that he had. Mr Bradley described all reports prepared by DCI Maxwell as manufactured. Having heard evidence from DCI Maxwell I am satisfied that the note is an accurate reflection of the conversation he had with Mr Bradley in June 2000.

- [54] Mr Bradley also engaged with the HET investigation. The inquest had available to it considerable materials from the HET. One such was a record made on 22 September 2008. This recorded that Daniel Bradley said his brother did have a submachine gun on the night and a nail bomb but that he was not up a tree and the Army were lying about that. Mr Bradley is recorded as giving a further statement to HET in which he said that Seamus Bradley had gone to the house of a person who "fed and watered the IRA" at 3:30am on 31 July 1972. Daniel Bradley said his brother Seamus was handed a pipe bomb and he then went into a field and threw the pipe bomb. When it exploded he ran off and was chased by soldiers. The soldier shot Seamus on the leg he got up again and he was shot again. In his oral evidence to the inquest Mr Bradley has labelled anything HET produced as designed to discredit him and the content of these notes being total rubbish. He denied making the statement and pointed out it was unsigned. However a copy of the statement signed by Mr Bradley was later provided to the Inquest from the file of Mr Geoffrey Arnold, the forensic expert retained by Mr Bradley. It had been given to Mr Arnold by Mr Bradley.
- [55] Mr Bradley wrote to the Prime Minister of the time, Tony Blair, on 8 September 2000. In that letter he claimed that the soldiers shot Seamus Bradley and hung him upside down until his body was drained of blood. He stated this could be confirmed by the medical report. When asked at the inquest whether he maintained this allegation he said that he probably still thought the same.
- [56] In his oral evidence he departed considerably from the contents of his statement made to the Coroner's Office on 30 June 2017. In that statement he described two Saracen vehicles. A soldier from one of the vehicles shot Seamus Bradley and Daniel Bradley saw his brother fall. He subsequently saw Seamus get back up and then a soldier from the second vehicle and shot Seamus. At the Inquest, after a rather confused passage of evidence, Mr Bradley stated that only one soldier had fired shots at his brother. The positions of the soldiers also varied, and varied further to the account provided by Mr Bradley to Mr Arnold at the time of his site visit. The only consistent theme is that Seamus Bradley was shot by a soldier or soldiers from a Saracen as he ran across Bishop's Field.
- [57] Mr Bradley also confirmed that he was responsible for the erection of a memorial nearby. He provided the text of the memorial. The relevant portion read;

"It was 4.10 am. There were about 25-30 people at the Creggan shops when there was gunfire heard. Vol. Seamus Bradley unarmed drew attention to himself to save others.

He ran down Bishop's Field where a soldier was to get out of a Saracen, take aim in a kneeling position and fire two shots hitting him in the back. Vol. Seamus Bradley fell. Then the Saracen drove down the field to where he lay. They put him in the Saracen and took him away to St Peter's School, no one knows what happened after that. All they know is that he was interrogated, the pictures tell their own story. He was shot again three more times at close range, he was tortured and beaten and left to bleed to death at the hands of the British Army. Afterwards it was confirmed by a doctor that none of Vol. Seamus Bradley injuries had been life threatening and had he received medical aid he would have lived."

In his evidence he accepted this account was incorrect.

[58] Mr Bradley gave a further differing account to Mr Arnold the forensic scientist retained by him. Mr Arnold records that Seamus Bradley was on Bishop's Field and two soldiers took up positions on the edge of the field. One soldier adopted a kneeling position and the other a prone position. Seamus Bradley was shot in the back by one of the soldiers. He was on the ground for 2 minutes before he attempted to get up and was shot again. The two soldiers moved forward, exchanged words with him and took him to a waiting Saracen. When this was put to him in evidence he confirmed this is what he told Mr Arnold.

[59] Mr Bradley in his oral evidence also confirmed what injuries he believed were sustained by his brother when in the custody of the Army. He said;

"My belief is that Seamus was interrogated, stood naked, shot and beat up and then he went unconscious. My belief is he was put on a Saracen. My belief then is that the Saracen moved to Rathkeel Way. Seamus wakened up and he jumped out of the Saracen. At this stage his hands were cut from the road. At this stage I believe now that the soldiers jumped out of the Saracen and put the Army belt round his neck and Seamus was strangled."

[60] It was put to Mr Bradley that there was no evidence of any of these injuries. He replied that they would agree to disagree and it was just his thought. He said he was expressing his opinion.

### Raymond Carton

[61] Mr Carton came forward for the first time following a call for evidence from the Coroner's Office in 2017. He had never come forward to give evidence before. He said that until he read the call for evidence in a local newspaper he had not connected what he saw in 1972 to the death of Seamus Bradley. He said that he had heard that Seamus Bradley had



been found at the back of St Peter's School in Creggan. He did not associate the figure he saw running across Bishop's Field with Seamus Bradley until the call for evidence. He did not know that the person he saw had died and he could not tell the identity of the person he saw on Bishop's Field. At the time of the incident he was 19 years old.

[62] On 31 July 1972 he woke up in his house at 19 Iniscarn Road to the sound of alarms, a handheld horn and bin-lids, all of which signalled that Operation Motorman had begun. He looked out the front living room window of his home from which he had a clear view across Bishop's Field. Day was breaking. He thought it was around 5am- 6am but had no clear idea. When looking out he saw a person running from the direction of Central Drive across Bishop's Field towards St Mary's Church. He did not know what the person was doing before he saw him running and said he could not provide a description of the person nor would he have been able to recognise him. As the person was running across the field a Saracen armoured personnel carrier stopped on Bishop's Field and the back doors opened. A soldier got out, got down on one knee and pointed a rifle in the direction that the person was running. Mr Carton then switched his attention to the running figure and saw him stumble and fall. He did not look at the soldier when the man fell and neither saw a muzzle flash nor heard any shots. He assumed the soldier had shot the figure. He could identify the soldier to be holding a rifle but not whether it had any form of scope on it. The Saracen then drove to where the person lay. Two soldiers got out and lifted him into the back of the Saracen. There was no resistance from the figure nor did there appear to be any form of ill-treatment or disrespect by the soldiers. The soldiers got back into the Saracen and drove back to the top of Bishop's Field to Central Drive.

[63] Mr Carton said the Saracen was never out of his view and the events happened sequentially and within seconds. He then left the sitting-room window as his mother had called him into the kitchen and away from the window. When he returned to the living room, approximately two minutes later, the Saracen had gone. Mr Carton did not know Seamus Bradley personally. He said that the figure he saw running was not carrying anything, such as a weapon. Mr Carton confirmed he could see all of Bishop's Field and nothing obstructed his view. He described the lighting as twilight. He could see that there was a man running across the field. He was able to mark on a map provided to him the approximate locations of the figure when he first saw him, where the Saracen first pulled up, where the soldier knelt at the rear wheel of the Saracen, where he saw the figure fall and where the Saracen was positioned when it collected the person and put him into the back of the vehicle.

- [64] Mr Carton said that the figure fell near a small line of trees just opposite St Mary's Church. The trees had mostly been stripped of branches at that stage because children burned them for bonfire material. There were very few branches on the trees at that stage. They were more like stumps than trees. He confirmed that photograph H from Mr Murphy's documents showed the trees as he remembered them. He said children would have climbed the trees to remove the lower branches for bonfires. He could not recall children climbing the trees after the lower branches were removed. He said he did not recall the small group of trees marked on the ordnance survey plan. He had lived at 19 Iniscarn Road for some 13 years up to this point and remained there until 1995 when his mother passed away.
- [65] It was put to Mr Carton that a memorial to Seamus Bradley was erected on Bligh's Lane. The text of the Memorial was similar to the account Mr Carton was giving. Mr Carton said he had been entirely unaware of the Memorial until about two years previously. He was involved in youth football and teams he was involved with trained on Bishop's Field. He believed that he first read the Memorial when he went to retrieve a football. He always believed it to be simply a Republican Memorial. It was suggested to him that perhaps over time his memory had placed the content of the Memorial in his mind. He had in fact only witnessed army personnel collecting Seamus Bradley as they described in their own statements over an hour after he was shot out of a tree. Mr Carton maintained that he saw events as he described them. He saw the figure fall and saw the Saracen come and pick him up after he fell.

## **Evidence of Soldiers**

### Soldier 4

- [66] Soldier 4 confirmed that on 31 July 1972 he was in the Creggan as Company Commander of Support Company. He was a Major at the time. Support Company consisted of three platoons - the anti-tank platoon, the mortar platoon and the vigilant platoon. Each platoon held approximately 30 men. Soldier 4 had only been in Derry for the two days before the operation and his company had never visited the Creggan before being deployed in this operation. He said the men had been thoroughly briefed on the terms of the Yellow Card in advance of the operation.
- [67] In his statement to the Inquest made on 25 January 2018 he said that he believed that he overheard radio communications from one of the platoons indicating that soldiers had come under fire. The patrol commander who reported this incident to him claimed the gunman had possibly been shot. To the best of his recollection he recalled being told that the gunman had been up a tree. He believed that the shooting

occurred when it was still dark and that he then made a decision to wait until it was lighter before ordering a patrol to check out the area where the shooting occurred. Soldier 4 believed that he reported the incident to Battalion headquarters who arranged for an ambulance to arrive and Mr Bradley was removed from the scene. He would have been taken to the headquarters of St Mary's School and thereafter the civilian authorities would have been tasked to take individual to the hospital. He said it was possible he may have discussed the incident with the patrol after the event but could not recall any discussion. He did not know the names of the soldiers involved in the shooting. Finally, prior to making his statement, he had had the opportunity to review the Commander's diary and the contemporaneous statements of Private Jamieson, Sergeant Bryden, and Soldiers C and D.

- [68] In his oral evidence, Soldier 4 referred to that part of the statement when he said he believed that he had heard soldiers had come under fire. Having more recently read the soldier statements he realised that the army opened fire first. He said that his statement reflected his memory but that it must be incorrect as he saw the documents written by the soldiers which were written shortly after the incident whereas his statement was written 45 years later.
- [69] He said that a very little was known by the Army about the Creggan and there was virtually no intelligence. He was asked about communications within the Army. Each company would have its own communication net. This would then extend up to a Battalion net and beyond that the Battalion would communicate with the Brigade. He said there were logs kept which would normally have been kept in Battalion headquarters for safe keeping. Those logs should have included everything, not just important or significant events. Written logs were kept of all transmissions.
- [70] When asked about his reference to the gunman being in the tree he replied that he couldn't remember but he did know that there was a tree involved. He believed he made a decision to wait before investigating because he wanted to wait until there was more light. He said he did not actually know that the gunman was definitely dying. He thought he had been told that he had either jumped or fallen. He was located in his command Saracen. He gave an order to the platoon commander on the ground. He could not recall who that was. He was asked if he would have communicated that the body had been found to Battalion headquarters and he confirmed that he would have. He was surprised to hear that there was no record of any such communication. He said he informed Battalion headquarters and expected them to arrange for an ambulance to arrive at the scene and take the victim away. He expected Seamus Bradley to be taken straight to Battalion headquarters where he

would have been seen by a doctor. Soldier 4 did not make any further enquiries about the events as he knew that was a matter for the military police. He confirmed the same platoon involved in the shooting was the platoon involved in the recovery of Seamus Bradley. He said that platoon was the mortar platoon.

- [71] The witness was provided with a communication log. There were no original logs available to the Inquest and some of the copies were very poor. He said the document provided was not a Royal Scots log but an 8<sup>th</sup> Brigade log. He said he was not familiar with its format. He was shown a further log and agreed it was an entry relating to 1 Royal Scots at 05.32 which says "man shot in leg. No gun found." He said that appeared to be a communication from the Battalion headquarters in 1 Royal Scots to the Eighth Infantry Brigade. A further entry at 06.16 was not fully legible but made reference to a gunman at Linsfort Drive which went on to say "man shot and recovered." A further entry at 04.50 from Eighth Brigade appears to say

"R1 secured obj. One gunman shot. 414162. Locals friendly."

- [72] Soldier 4 did not know what R1 referred to. It was put to him that there was a further log at 04.47 which stated there was a gunman killed with the same reference number 414162. That communication originated from the Second Light Infantry. Soldier 4 said he had never seen these log entries before and he didn't really understand what had been written or why. There was then a further entry made at 04.57. It refers to Blighs Lane. It records

"Scots G in Blighs Lane. Have fired 1 x 7.62. One hit claimed.  
No mil cas."

#### Soldier 5

- [73] Soldier 5 was second in command of Support Company which was commanded by Soldier 4. He said his recollection of 31st July 1972 was very vague. He recalled being told that a person had been up a tree with a weapon and had been shot. He was told this after the incident but could not recall when. He believed that something came over the radio when he was in the back of a Saracen. He had no direct involvement in the incident or the follow-up. He was asked if he could think of any particular advantages to a gunman in climbing a tree and said he would have a better field of view. When pressed he also accepted that if a gunman went up the field he would be more visible and more vulnerable. He accepted that if an individual had a gun and put himself in a tree he would make himself a target. At one point in his evidence he said his understanding was the person was 15 feet up a tree. He accepted that came directly from the statements he had seen. This sits in contrast

to the general vagueness of his other evidence and assertion that he had no direct involvement in the incident of any kind. He could not recall if there were any amendments made to the yellow card specifically for Operation Motorman.

### Soldier 2

- [74] This soldier made a statement dated 3 December 2017 to the Coroners Office. He confirmed he had made no previous statement in relation to the death of Seamus Bradley. He said he was in the Recce platoon, Support Company. He recalled being asked to investigate a man running about in the ditches. He said he could not recall who issued the orders and he did not personally have a radio. Soldier 2 said they were not told to search for a body, but a man. He recalled searching for him for some time. He said it was dark. He recalled finding a man in a ditch. He could not recall any trees nearby. When they found the man they realised he had been shot but did not know by whom. He said he had never heard anything about this case and no one had asked for his account. He did not recall recovering any weapon and could not recall how the man was lifted into the vehicle. He recalled putting him in the back of the vehicle in an upright position and trying to give him water. There was a lot of blood. Soldier 2 revived the man twice in the Saracen. He said they did not know where the nearest aid station was and they drove around for quite a while. He then recalled going to a school and when the medic opened the door of the Saracen the body fell. He recalled the medic being really angry at them as if they had disrespected this man. In his statement Soldier 2 said he remembered events very vaguely and would query how precise he was about detail. He had concerns regarding his memory.
- [75] In his oral evidence he confirmed that he may have been in Vigilant platoon at the time of Operation Motorman. He believed Soldier F was the vehicle commander. He could not recall whether or not he was told that the person they were looking for was armed. He said the man was conscious when he first approached him and he was searched. There was no weapon that he saw. He saw the man was bleeding from his thigh. Only one vehicle went to recover the man. He lifted the man with one other colleague. He said the man was placed in the Saracen and was seated. He looked as if he may need medical attention. Soldier 2 said he had no medical training and did the best he could in the circumstances. He could not provide any assessment of how long the journey to the school took but said it was longer than he would have liked. The man was dead at arrival at the school. He fell out when the medic opened the door of the Saracen because he was leaning against the door and they were parked on a slope. He said the medic was very angry. Soldier 2 accepted in his oral evidence that the person he had collected was Seamus Bradley. He was questioned extensively about allegations of

mistreatment of Mr Bradley when in the Saracen. He denied those completely. He described his attempts at reviving Mr Bradley as amateurish and appeared to consist largely of providing water.

#### Soldier C

- [76] At the start of Soldier C's evidence there were some issues about his identity and whether the individual giving evidence was in fact soldier C as referred to at the original inquest. I am satisfied having heard evidence from this witness that he is Soldier C and he has accepted that he is Soldier C. He explained that whilst there are parts of his 1972 statement which would suggest that he made it, there are other aspects which do not seem familiar. He explained that on the basis, in common with other witnesses, that some 45 years have elapsed.
- [77] He made a statement on 31 January 2018. In that statement he said he was in Derry for Operation Motorman. He received an order to go into the field but could not recall any details of when he arrived there and how long the Saracen sat there. He did not recall hearing any gunshots in the area. He did not recall having been informed of the circumstances in which the man came to be shot. He did recall trying to give the man water and confirmed he was in the back of the Saracen with them. He did not recall any other medical assistance being given in the back of the Saracen. He did not recall what the injuries were but said the man did not struggle at any time. He did not recall interacting with the medic at St Peter's school.
- [78] In his oral evidence he confirmed he was a member of Vigilant platoon on 31 July 1972. He did not recall being tasked to search for an injured person but did recall that's what he did. He recalled finding an injured person but there was no weapon. He remembered that the person was put into the back of the Saracen and taken to St Peter's school. He did not remember personally putting the person into the back of the vehicle but remembered being in the vehicle with him. His original statement, made on 1 August 1972 was provided to him. He said he had no memory of making that statement. Soldier C was in command of the Saracen. He remembered Soldier 2 and soldier F had been with him. He was a corporal at the time. He was told that in his 1972 statement he said the Saracen was parked at the junction of Linsfort Drive and Central Drive. He could not recall that. He could not recall the order coming through and did not recall being told anything about who he was looking for or how he had died. He could not recall seeing the person or how he was put into the Saracen but did recall he had died in the back of the Saracen. He said he believed he was the last one in the Saracen because he had his back to the back doors of the Saracen. He said the person was sitting on the floor and leaning against Soldier 2. The person was identified as Seamus Bradley in questioning. He said Mr Bradley asked for water.

Soldier C was about to give him water but that was when he made a choking noise and went silent and Soldier C believed that was the point he died.

- [79] He could not recall having basic medical training at that time. He could not recall any search for a weapon. He recalled a pool of blood in the Saracen but did not recall seeing specific injuries. He did not recall Seamus Bradley saying anything and specifically saying the phrases "I'm hit, Jock" and "Kelly, Kelly, don't leave me", both of which were contained in his 1972 statement. He confirmed Mr Bradley was not mistreated in any way in the back of the Saracen. He did not recall Seamus Bradley falling out of the Saracen on arrival at the school and said that he would have been first out of the Saracen because his back was to the door. He could not remember talking to a medic.
- [80] The statement that Soldier C made on 1 August 1972 was also read into the record. It confirmed that he was in command of the Saracen parked at the junction of Linsfort Drive and Central Drive at approximately 05:45 hours. He received an order from his platoon commander, Soldier E, to make a sweep of the area surrounded by Bligh's Lane, Iniscarn Road, Linsfort Drive and Central Drive looking for a body and weapon in particular. The Saracen proceeded across Bishop's Field and saw a body approximately 10 yards from trees. He said that Soldier F and he went to recover the body. He said the person said "I'm hit, Jock." When they were lifting him into the Saracen he said "Kelly, Kelly, don't leave me." When the Saracen started moving the person asked some water and never spoke again and was dead on arrival at St Peter's school. On arrival at the scene Soldier C had noticed the person was wounded in his left thigh and left foot. He said it was 10 min later when he arrived at St Peter's school.
- [81] Soldier C's evidence placed the Saracen in a position very similar to that described by Mr Carton. It was clear that Soldier C, again in common with other witnesses, had seen the statements of other witnesses and had also been told of the evidence provided by Mr Carton to the inquest two days previously. There were times when the witness appeared to be answering questions in accordance with what he had read. For example at one stage he said that according to Soldier F he (Soldier C) wasn't in the vehicle when the body was picked up. Mr Carton's account was put to him and Soldier C repeatedly prefaced his answers by saying "as far as I know" nobody in the vehicle he was in shot Seamus Bradley. He was asked why he said "as far as I know" and simply repeated his earlier answer. He was asked how he could identify the grid reference Seamus Bradley was located. He said that would not have been calculated at the scene. He said it would have been afterwards if he gave his statement to the Royal Military Police the next day.

#### Soldier D

- [82] Soldier D was the Regimental Medical Officer Second Battalion of the Royal Green Jackets. On 31 July 1972 he was in a Saracen ambulance on the grounds of St Peter's school in Creggan. He made a statement on 1 August 1972. In it he confirmed that Soldier C arrived in a Saracen and asked him to look at the civilian in the back. That civilian was Seamus Bradley. Soldier D certified him dead and had the body taken into the school. He asked for an ambulance which arrived at least half an hour later and the body was removed to Altnagelvin hospital.
- [83] In his oral evidence he confirmed that his function was to treat any soldiers in his Battalion who were injured or anyone else who happened to be injured. The equipment he had was very basic. He had a medical sergeant attached to him and a couple of corporals and a rifle man who were all trained medics. He was there for first aid. If an injury was serious Soldier D would have sent the individual to the hospital. There had been no discussion beforehand about the possible treatment of civilians.
- [84] He confirmed that all soldiers had some medical training. They had a field dressing pack and would have had training in dealing with airways and bleeding, essentially a very basic first aid. The field dressing pack would have consisted of a thick pad for applying pressure to bleeding and tapes to secure it. The training in relation to bleeding would be to put pressure on a bleeding point. Applying tourniquets would also be included.
- [85] He confirmed he had no memory of the incident and could not add anything to the statement. He had a memory that a soldier said that the dead person had been on a roof waving a firearm but that the memory was very vague. He had no memory of being angry because the deceased fell out of the Saracen. He confirmed he would have expected the soldiers to take action to stop bleeding on a civilian who was bleeding profusely. He was asked if the soldiers should have brought Seamus Bradley directly to a civilian hospital. He said they would have to have received an authority to have taken him straight to the hospital.

### Soldier 3

- [86] Soldier 3 was a corporal in the Army Special Investigation Branch. On 31 July 1972 he was on temporary duty at Ebrington Barracks. He gave a deposition to the Coroner at the first inquest into the death of Seamus Bradley in October 1973. In that deposition he confirmed that he recorded a statement in writing from Private Jamieson and Soldier C. He made a further statement on 4 December 2017.
- [87] In that statement he confirmed that Operation Motorman was the biggest military operation since D-Day. He said as a Royal Military Policeman he



would investigate incidents with an open mind and using an evidence-based approach. He was informed that a shooting had occurred on the same day of 31 July 1972. He was based in a school but didn't know the name of the school. He believed he was told of the incident at an early stage on that day. He said he would have asked to interview the soldiers who carried out the shooting and he recalled that he had to wait until they completed their duties in relation to the operation. He recalled he interviewed a number of soldiers within a couple of hours of the incident but couldn't recall who they were or how many there were. He recalled that Seamus Bradley had been up a tree when he was shot. He said he recalled this because it was obvious from the injuries he sustained to his foot that he must have been at a height. He said he was aware that soldiers picked up the body of Seamus Bradley and took him straight to Altnagelvin hospital.

- [88] In his oral evidence Soldier 3 said at the time of Operation Motorman there was an agreement in place between the Army and the Royal Ulster Constabulary that any soldiers who faced allegations of criminal conduct were interviewed solely by the Royal Military Police. The RUC would deal with anything on the civilian side such as going to the hospital to view the body or post-mortem photographs. The investigator or statement taker was not conducting an investigation as such, he was an evidence gatherer. Statements were mandatory and not taken under caution. The statements should provide full details of the scene, the build-up to the incident and any follow-up action. They were to identify precise locations and were dealt with on a question-and-answer basis. The witness believed that only he and the soldier he was taking a statement from would be present in the room. If anyone else was present it would be recorded.
- [89] The witness said when taking a statement he would try to get as much detail as possible. He believed that the grid references contained in Private Jamieson's statement were put in at the time rather than later. He could not recall this interview specifically. He said that it was impossible to carry out any forensic gathering. He didn't even have transport at the time. He confirmed that when he said in a statement soldiers had taken Seamus Bradley directly to hospital, that was an assumption on his part and he knew now that it was wrong. He said his job at the time was to get back to Lisburn and report exactly what had happened and hand any statements in. He said he didn't have time to see the body or photographs taken post-mortem. He said 1972 "was not an ideal situation". He accepted that describing his role as an investigation in his written statement was the wrong word to use. He said at the time of taking the statement he hadn't seen the body. He didn't know what had happened or what marks were on the body therefore he relied on what the soldiers told him. After taking the statement from the soldier involved he handed

it in when he got back to headquarters and that was the last involvement he had in the matter.

- [90] He said it was very early days in the creation of his unit and they were "playing it off the hoof." He was aware of the protocol in existence at that time and that only the Army would interview soldiers involved in a contact incident. He was not aware of any of the surrounding circumstances. He was asked why there was a need for urgency such that there was no background information available that may have assisted in testing what the soldier said. Soldier 3 said that they were just told they had to take statements and get back to Lisburn and hand them in. He was asked if he saw any flaws from an operational point of view in that process and he confirmed he could. He repeated throughout this part of his evidence that it wasn't an ideal situation. He agreed that he had to accept the soldier's statement at face value. He had no other information to use to interrogate that statement. He was not aware of any further stages in the process after he had taken the statement back to headquarters. He was not aware of any case where police subsequently had spoken to a soldier. He had never been asked to go back and ask further questions of a soldier. It was put to him that whilst the protocol was in place it meant that soldiers were never fully challenged on their account of an incident because statements were being taken at the earliest possible opportunity. In relation to these incidents he said he couldn't remember if the soldiers were challenged in any way. Soldier 3 confirmed that for example where Private Jamieson said he fired four shots and missed with two he didn't know that there were a number of wounds sustained by Seamus Bradley that didn't fit with that scenario. Soldier 3 said in an ideal situation it would have been better to have got into a vehicle and gone to the hospital but then he wouldn't have had any cover from the Army and "being in civilian clothes and a member of the Army, I don't think I would have walked out."

#### Soldier F

- [91] Soldier F confirmed that he was a member of Vigilant platoon and present in the Creggan during Operation Motorman on 31st July 1972. He said that he was told there had been a shooting, that there was a casualty and he was tasked to go and recover the casualty and take him to the aid post, which they did. He did not have any account of how the person had been injured. He was aware that soldiers were involved in the shooting incident. He remembered that he was told the casualty was across some waste ground near a tree. He was told there was a possibility of a weapon in the area. He said those orders were communicated verbally by the Company Commander. He was in the house which formed the HQ with the Company Commander at the time. It was a couple of hundred yards from where he returned to his Saracen at the junction of Central

Drive and Linsfort Drive. He said they went out in a Saracen armoured car. He confirmed Soldier C was the most senior person in the vehicle. He recalled being told that there was a piece of waste ground and across the waste ground there was a tree so they headed in the direction of the tree. He recalled there was a chapel behind. As the Saracen drove up Soldier F could see the person on the ground. He said it was just becoming daylight. Soldier F was located in the command turret of the Saracen. He said four people got out of the vehicle, that is, everyone except the driver. He was not involved in picking up the person now known to be Seamus Bradley. He said Seamus Bradley looked in a bad way, he was bleeding and mumbling. He said Seamus Bradley was four or five feet from the tree. They conducted a visual search for a weapon because the priority was to get the casualty into the vehicle and to an aid station. He confirmed that he had had basic first aid training and said that they all had received it at the depot. He confirmed that the training involved information on how to stop bleeding and applying pressure to wounds. He recalled that instructions on using tourniquets were confined to saying they should only be applied to the leg. Each of the soldiers had an individual field dressing for personal use. He confirmed he would have expected his colleagues to apply their first aid training to Seamus Bradley in the Saracen. Soldier F said the Saracen went straight to the aid post and the journey took five or ten minutes. He confirmed Seamus Bradley was conscious when he saw him on the ground and mumbling but said nothing that was coherent to soldier F. He said that he had never heard any issue about a medic being very angry or of Seamus Bradley falling from the back of the Saracen at the aid post. He said the last time he saw Seamus Bradley he was being given a drink of water by soldier C.

- [92] He confirmed that he had earlier told the Coroner's investigator that he believed Private Jamieson had been in the Saracen with him but now realised that he had made a mistake. Mr Carton's eyewitness account was put to the witness and he categorically denied that the Saracen had stopped at the corner of the field and that anyone from the Saracen fired shots.
- [93] Soldier F explained that he received the briefing at headquarters because he happened to be inside at the time and that he was shown where the tree was, hence he was in the Saracen's turret. He confirmed that he saw the tree referred to and said it was a tree that was about 15 feet in height. He could not recall anything about that tree that distinguished it in anyway. He believed that there were another two trees nearby and some bushes to the right.

## **Forensic Scientists**

Mr Arnold

- [94] Mr Geoffrey Arnold is a consultant forensic scientist. He has considerable experience of ballistics and has worked as a consultant ballistics expert for approximately 6 years. He provided a report for the next of kin dated 10 September 2016. There were amendments and addendums to that report and a telephone conference with Mr Jonathan Greer from Forensic Science Northern Ireland.
- [95] From the outset it was clear that there were a number of matters on which the forensic experts could not provide clarity. The ballistic evidence did not allow Mr Arnold to establish who had shot Seamus Bradley, whether there was more than one shooter, whether that person or those persons were in the same location or in different locations, precisely what type of weapon caused the wounds, the order in which the wounds were caused, the number of bullets which caused the wounds or the distance from which the shots were fired.
- [96] Mr Arnold visited the scene and took measurements. He also conducted test firing. He confirmed that there was no physical evidence to show that Seamus Bradley had handled a weapon. His hands tested negative for lead deposit, which was indicative that he did not hold a weapon but that would not definitively say that he wasn't holding a weapon. There was also no definitive evidence that Seamus Bradley was in a tree, such as pieces of bark or other types of material on his clothes or on the skin. Mr Arnold said that when a violent incident like this happened in the environment of a tree there would be traces of that tree on the body.
- [97] Mr Arnold came to the conclusion that the evidence he had seen was not consistent with the evidence given by Private Jamieson and Sergeant Bryden. Mr Arnold's report contained a number of calculations which he said demonstrated that the paths of the bullets that caused injury to Seamus Bradley could not have resulted from the situation described by Private Jamieson and Sergeant Bryden. Mr Arnold worked from the thesis that Seamus Bradley was standing in a tree on a branch with his back to the trunk. In that situation the wounds could not have been caused by Soldier A firing from his given location. In simple terms Mr Arnold concluded that the elevation of a weapon used to cause the wounds on an individual standing 15 feet up a tree from a distance of 175 metres will be in the range of 2 – 3°. However the inclination of the wounds within Seamus Bradley's body were between 20 and 30°. He concluded that either Private Jamieson was much closer than he said he was and firing at a much more elevated angle or that Seamus Bradley's body had moved in such a way as to create the angles of the bullet wounds in his body from the reported position of Private Jamieson. Mr Arnold also posited another possibility, that Seamus Bradley was not in a tree but was somewhere else. Mr Arnold said that Private Jamieson had an SLR rifle which had an independent weapon sight at 3.75 times

magnification. It had a light intensifier so gave both a magnified view and enhanced the light. Soldiers are trained to follow through with their shots. They do not just fire and hope they hit. They watch through the sight to see what happens to the bullets, correct their aim to bring it on target or to continue if it is on target. He said Private Jamieson would know that he missed two shots. Mr Arnold accepted that he had conflated the accounts of Private Jamieson and Sergeant Bryden in describing Seamus Bradley as having his back to the tree trunk. He accepted that only Sergeant Bryden described Seamus Bradley in this way and there was a gap of several seconds between Sergeant Bryden seeing Mr Bradley and shots being fired by Private Jamieson.

[98] Sergeant Bryden described Seamus Bradley standing on a branch with his back to the trunk. Seamus Bradley's wounds are on the opposing flanks of his body, so if he was standing with his back to the trunk, and the elevation required from Private Jamieson's position to hit a target at that height is 2 degrees it would not correspond to the 20 to 30° internal elevation of the wounds. Seamus Bradley had to present individually both left and right sides not only towards the shooter but also with the limbs elevated in such a way that they would correspond to the angles of the trajectories of the bullets through the body. Neither Private Jamieson nor Sergeant Bryden reported any change to Seamus Bradley's position such as to show a very significant degree of movement. Seamus Bradley would have to have turned 180° to present each side to the shooter, at the time when at least one of his limbs was already injured. If he was raising the other limb to correspond to the 20 to 30° elevation he had to somehow stand on the wounded limb to raise the other.

[99] Mr Arnold acknowledged that Mr Greer disagreed with his calculations. He accepted there will be variables and everything is nominal but the difference between 2° and 20 to 30° is significant.

[100] Mr Arnold was asked about a hole in the front of Seamus Bradley's jacket. Mr Greer concluded this was bullet wipe. This occurs where the surface material of the bullet is wiped onto the surface of the target as it goes through. Mr Arnold did not agree that this lead deposit was bullet wipe. Firstly it was not described as such in the original report in 1972. Second he said that there was one speck of lead which could have come in numerous ways. It could have been a speck of lead on the bullet that survived over a range, but also could come from anyone contaminated with lead. The soldiers were contaminated with lead because they had weapons with them and the military vehicle was contaminated with lead. Also the medic at the aid station was contaminated with lead. Mr Arnold concluded that the lead deposit was not significant in determining whether the hole was an entrance hole or exit hole. Mr Arnold was then asked to comment on damage to Seamus Bradley's trousers. There was

one hole on the right thigh of the trousers which did not correspond to any of the holes which were bullet holes. Mr Arnold noted that Mr Beavis who carried out the original examination said that he wasn't satisfied the holes in the clothes were caused by bullets. He said this could support the alternative hypothesis that he was shot at the point when he was partially or fully undressed.

[101] Mr Arnold was critical of Detective Inspector Scott's examination of the scene. First it did not identify what trees were there and where they were located. There were no samples taken of the stains to confirm they were blood. He said from a scientific point of view there was no basis to say that there was blood present or that it related to the actual incident. Mr Arnold also commented on the fact that no one examined the Saracen vehicle to see whether there was any evidence of bullets fired within that vehicle.

[102] Mr Arnold then went on to consider the striation marks on Seamus Bradley's neck. He confirmed that he had worked as a tool mark examiner whilst in the Metropolitan police and had recent experience of examining tool marks on behalf of the Independent Olympic Committee. He could not give a definitive conclusion as to what caused the marks on Seamus Bradley's neck but considered that they came from a mechanical surface rather than a natural surface. He reached this conclusion because of the uniformity of the intervals between the marks and the straightness of the marks.

[103] Mr Arnold was then cross-examined on behalf of the MOD. Some of the varying accounts given by Mr Daniel Bradley were put to him. Mr Arnold said he did not question Mr Bradley on his original statement. He took the information he was given at the scene by Mr Bradley. Mr Arnold did not make a contemporaneous note at the scene. He said that he was taking measurements and completing his site visit. What Mr Bradley told him was reflected in his report. He had not made a note of his conversation with the solicitor and counsel which took place before he commenced his site assessment. Mr Arnold gave evidence that he had had a conversation with the occupants of the house in which Private Jamieson said he had been in the garden. He could not say whether the occupants had lived in the house in July 1972. He did not refer to this in his report because he treated it simply as confirmation of the point where Private Jamieson was supposed to be located.

[104] Mr Arnold was challenged on the absence in his report of a consideration that Private Jamieson in fact struck Seamus Bradley with all four shots. Mr Arnold said that he accepted the account given by a trained soldier. It was put to him that the recoil from each shot meant that Private Jamieson would temporarily lose sight of Seamus Bradley. Mr Arnold said that a trained soldier would be adjusting for the recoil and looking to see

whether he needed to adjust for his next shot. The extra weight of the Starlight scope would have reduced the recoil. Mr Arnold calculated that the amount of recoil would not remove the target from the field of view. A soldier should be able to follow through and watch and observe where the bullet falls, observe impact and then correct accordingly. It was put to Mr Arnold that Seamus Bradley may have been struck and not reacted. Mr Arnold said that if someone is hit in the lower limbs with this type of round and with that amount of energy, to be manoeuvring within a tree was just inconceivable. He said that to make the hypothesis work he has to fail to react to either the wound which severs his femoral artery or the wound through his hip and fracturing his sacrum. Mr Arnold said there was a phenomenal amount of energy being dissipated into the lower limbs of a body that would make trying to maintain balance in the tree difficult. The 7.62 bullet creates both a temporary and a permanent wound cavity. The temporary wound cavity is the energy of the bullet travelling beyond the speed of sound and it creates a massive stretching of internal structures within the body. The stretching happened hundreds of times within milliseconds and the mass of the momentum and the shock of the bullet causes the stretching and splitting of skin. He said it was a phenomenal amount of force. Mr Arnold said the suggested twisting and turning is not realistic if sustaining a wound of this type. Mr Arnold said a person could not stand in the tree and take a 7.62 round without knowing he had been shot. Mr Arnold did not think it was feasible that an individual could maintain the position of one limb at the 20 to 30° angle to take two shots and then turn around and go onto the other limb and take another hit from a 7.62 round. If these rounds strike the lower limbs they are striking the point that is holding up body weight.

[105] Mr Arnold confirmed that the description provided by Mr Daniel Bradley was inconsistent with the left armpit wound. However the injuries could have occurred if he had turned to the right. Mr Bradley's account provided for only one bullet fired.

[106] Mr Arnold then addressed the issue of tool marking. He confirmed his qualifications in this area. He holds a qualification in Toolmarks comparison microscopic course (advanced level) and has an ENFSI certificate in scientifically defensible criteria for striated tool marks. He said tool marking in this case was where one harder surface moved against a softer surface and left a mark. He could not think of an example where he had been asked to provide an opinion on tool marking on a human body. He said that to establish the degree of energy that was generated by the tool such as to create an injury on the human body was a question for a medical expert. As Mr Arnold had no reference material to look at he said he could not come to any conclusion after all this time

as to what precisely had caused the injury. He could say that it was a movement injury rather than impact.

[107] Mr Arnold was also asked to consider the scenario that the injuries to Seamus Bradley occurred when he was running on the ground. The injuries to the right calf and left foot could have been caused by one bullet during a running movement. He said it was absolutely necessary to visit the scene where events took place. You cannot test any hypothesis if you cannot do ballistic reconstruction. Mr Arnold confirmed that he had considered the account given by Mr Carton. He said Mr Carton's account was consistent with the ballistic and other evidence available to him. He did caveat this to say that he did not know exactly what the layout of the ground was at that time as it has subsequently been developed. He clarified that each of the possible alternatives relating to how Seamus Bradley was shot cannot be explained solely by the topography of the scene but would require, to a greater or lesser extent, a repositioning of Seamus Bradley's body. Mr Arnold said that on Mr Carton's account Seamus Bradley could be wounded before he reached the ground and also the orientation of the body on the ground when he was lying there could explain the appropriate entry wounds if shot in that position. He was asked if there was anything in the accounts now given by Mr Bradley and Mr Carton which would make it impossible for Seamus Bradley to have sustained the wounds that he sustained. He said that on his understanding of the evidence Mr Bradley had given to the inquest then Seamus Bradley's left side was towards the shooter when he fired the shot and would not account for the wound across the left shoulder. However shots fired into a body on the ground could be consistent with the wounds but would involve a degree of large movements. Mr Arnold's view and opinion was that the kind of movement required in the tree scenario was highly unlikely.

#### Mr Greer

[108] Mr Greer is a senior scientific officer, working for Forensic Science Northern Ireland from 1991. He specialised in firearms since 2005 and has been involved in hundreds of cases where fatal gunshot wounds have occurred. He adopted his report into his oral evidence. His conclusion was that Seamus Bradley was shot four times causing wounds consistent with military issue ammunition used at that time. The upper trajectory of the wounds to the leg showed he was in an elevated position relative to the shooter. The differing trajectory angles are most likely as a result of him moving and turning. He said the exact circumstances of Seamus Bradley's shooting can never be determined. He acknowledged that Mr Arnold had presented several different hypotheses. Mr Greer said Private Jamieson and Sergeant Bryden's statements were in agreement regarding the circumstances of the shooting. Soldier C's



statement agreed with Private Jamieson and Sergeant Bryden regarding where Seamus Bradley was recovered from. Detective Inspector Scott's statement described blood staining observed beneath the tree, again in agreement with where Private Jamieson and Sergeant Bryden saw him fall. There was no evidence of any shots fired at close range. He said Daniel Bradley's witness statement supported a second hypothesis. There was no evidence to support any shooting was carried out in the back of the Saracen and no evidence to support Mr Bradley being shot whilst his trousers were removed. He said that his opinion was that from all the available information the most likely scenario was the first hypothesis.

[109] In cross-examination Mr Greer accepted that he had never visited the scene. He said the scene had changed quite considerably since the shooting took place. He said the scenario he tested was of a soldier shooting towards the tree. He confirmed he approached the matter on the basis of what the soldiers said as that was the information he had. He did not initially test Mr Bradley's scenario as the number of wounds did not coincide with the number of shots Mr Bradley claimed were fired at his brother. Daniel Bradley claimed two shots were fired and there was evidence of four or possibly five shots. Mr Greer said he proceeded on the basis that Private Jamieson fired four shots and probably all shots struck Seamus Bradley. He discounted Private Jamieson's account that two shots were missed because of the number of wounds Seamus Bradley sustained. He said that there was never any indication that Seamus Bradley may have been shot at a different location.

[110] He then had to accept that there was such an indication from Mr Daniel Bradley's statement. Mr Greer accepted that he did not consider the possibility that further shots were fired from a different location or on a different occasion. He repeated his evidence that wounds caused by four or five shots were consistent with the statements of the soldiers as Private Jamieson said four shots were fired. It was pointed out to him that in fact his conclusion was inconsistent with the statement of Private Jamieson. It was pointed out to Mr Greer that there were inconsistencies in the supporting evidence as to where Seamus Bradley was located. Soldier C placed him some 30 feet from the base of the tree. Detective Inspector Scott indicated blood staining 10 feet from the base of the tree. Mr Greer accepted that if someone was shot in a tree, and he fell out of the tree, he would expect blood staining to be at the trunk of the tree. Mr Greer was asked why he did not pick up on the inconsistency. He replied that there was a limited amount of information regarding where the blood should be located at the base of the tree.

[111] Mr Greer was asked to comment on the account given by Mr Carton. He said that the position Mr Carton indicated Seamus Bradley fell appears relatively close to where Soldier C said he picked up Seamus Bradley and

so was consistent with that. He was asked if he agreed with Mr Arnold, that the injuries were consistent with someone running, being shot, falling and possibly shot again. Mr Greer said that would require rapid fire. He said the SLR makes rapid fire inaccurate. Private Jamieson allegedly hit Seamus Bradley from 180 metres several times and rapid fire would be rather difficult. It was put to him that the same would apply to firing at somebody in the tree. Mr Greer said that if someone was in the tree they would not be moving laterally but would move as in turning. Running would require lateral tracking by the rifle. However Mr Greer eventually agreed that there was nothing to say that the injuries could not have been sustained in the way described by Mr Carton. He confirmed the definition of rapid fire was as fast as you could fire aimed shots. He carried out his own tests and found it took an average one second to fire an aimed shot towards the target. Four shots he suggested, would take at least 4-5 seconds but could have taken longer at the distance indicated between the shooter and Seamus Bradley.

[112] Mr Greer also accepted in general terms Mr Arnold's evidence about the trajectory of the shots. He said it was basic trigonometry. He said to get the angle of the wounds at 15 feet up in the tree the shooter would have to be 14 or 15 metres away. However that would not take into account the position of the limbs when the wounds were made. However shooting from a much further distance away, 130-170 metres would require a very different stance in a tree. Mr Greer was asked to comment on Mr Arnold's evidence that the kinetic energy of these high velocity rounds would transmit to the part of the body they collided with and a person could not retain a position in the tree or move positions to present different parts of their body for further shooting. Mr Greer said to his mind this tree scenario was the only explanation for the wounds and the number of shots fired. It was put to him that he was only looking at the issue through the eyes of the statements of Private Jamieson and Sergeant Bryden. Mr Greer confirmed that was correct.

[113] The three accounts of events were then put to Mr Greer in sequence. He dealt first with Mr Carton's account. He said there was no evidence from Mr Carton of the person turning in any way and this would be inconsistent with the wound to the left shoulder which appears to be from the front. The wound to the left thigh meant Mr Bradley would have to have been turning flank on to the gunman. The wound to the buttock would be a flank shot as opposed to a back shot. He said that those did not fit with Mr Carton's version of events. He was then asked about Mr Bradley's account. Mr Bradley said two shots were fired. Mr Greer said two shots could not cause 4-5 wounds. Again there was no evidence of Mr Seamus Bradley twisting or turning. Lastly Private Jamieson's account was put to Mr Greer. Private Jamieson said he missed two shots. Mr Greer was asked if that would be consistent with a number

of injuries sustained and answered “not if he was correct in missing with the two shots.” Mr Greer was asked why he was querying Private Jamieson's evidence in a way that he had not queried the accounts from Mr Bradley or Mr Carton. Mr Greer said Private Jamieson was the only person who actually claimed to have fired an appropriate number of shots. He could not think of any other way that four or five wounds could be caused by only two bullets with two shots. He was challenged on why he said only two bullets. The number of bullets that may or may not have been fired from Mr Carton's account was unknown. Mr Greer said it would be entirely plausible, if at least four shots were fired at that stage, that all four shots could have had caused the five wounds to the body. However Mr Greer went on to say that the most plausible scenario in his opinion was the first scenario of Private Jamieson but he had to acknowledge that this was on the basis of Private Jamieson having been mistaken in his evidence.

Ms Ann Kiernan

- [114] The Coroners Office commissioned a further forensics scientist, Ann Kiernan, to prepare a report. She was not required to give oral evidence by any of the parties. She considered whether, in each of the three scenarios available to the inquest, it was possible for the wounds to Seamus Bradley to have been inflicted by one person firing shots from a single location.
- [115] Ms Kiernan concluded that Seamus Bradley was struck by at least four bullets and possibly five. The injuries described could have been caused by shots being fired from one fixed position and that, as the bullets struck Seamus Bradley, he turned his body to receive subsequent shots. She said it could not be scientifically determined which injuries were caused first or the sequence of the shots fired. Ms Kiernan said that if Seamus Bradley was in a tree when Private Jamieson fired the shots he would have to have moved considerably between the shots fired. However Private Jamieson's own account conflicts with the injuries sustained by Seamus Bradley. Additionally if the shots were fired by Private Jamieson, the timing of the shots would need to have allowed Mr Bradley to move between the shots to account for the range of different injuries.
- [116] Ms Kiernan said that Daniel Bradley's account states that only two shots were fired. Therefore some of the injuries could have been caused by the two shots but not all of the injuries.
- [117] Ms Kiernan then turned to Mr Carton's account. The injury sustained by Seamus Bradley could have been caused by a soldier kneeling at the rear of a Saracen firing at least four aimed shots at a running figure, especially if that figure changed or turned direction.

[118] Considering each scenario in turn, she said that Daniel Bradley's account did not explain the number of injuries sustained. Private Jamieson's account fitted to a degree, but was not compatible with the number of injuries if only two of the shots fired at Seamus Bradley hit him. If the soldier witnessed by Mr Carton fired four or more shots and hit Seamus Bradley whilst running then this scenario is more in keeping with the injuries sustained by Seamus Bradley.

### **The Yellow Card**

[119] The instructions by the Director of Operations for opening fire in Northern Ireland were commonly known as the Yellow Card. These were revised in November 1971. They are the relevant provisions for the purposes of this inquest as to when a soldier may fire. The relevant paragraphs are as follows:

"1. These instructions are for the guidance of Commanders and troops operating collectively and individually. When troops are operating collectively soldiers will only open fire when ordered to do so by the Commander on the spot.

2. Never use more force than the minimum necessary to enable you to carry out your duties.

3. Always first try to handle the situation by other means than opening fire. If you have to fire: (a) Fire only aimed shots. (b) Do not fire more rounds than are absolutely necessary to achieve your aim.

Warning before firing:

6. A warning should be given before you open fire. The only circumstances in which you may open fire without giving a warning are described in paras 13 and 14 below.

7. A warning should be as loud as possible, preferably by loud-hailer. It must: (a) Give clear orders to stop attacking or to halt, as appropriate. (b) State that fire will be opened if the orders are not obeyed.

You may fire after due warning:

8. Against a person carrying what you can positively identify as a firearm [which includes a grenade, nail bomb or gelignite type bomb] but only if you have reason to think that he is about

to use it for offensive purposes and he refuses to halt when called upon to do so, and there is no other way of stopping him.

9. Against a person throwing a petrol bomb if petrol bomb attacks continue in your area against troops and civilians or against property

10. Against a person attacking or destroying property or stealing firearms or explosives, if this action is likely to endanger life.

11. Against a person who though is not at present attacking has  
(a) in your sight killed or seriously injured a member of the security forces or a person whom it is your duty to protect and  
(b) not halted when called upon to do so and cannot be arrested by any other means.

12. If there is no other way to protect yourself or those whom it is your duty to protect from the danger of being killed or seriously injured.

You may fire without warning

13. Either when hostile firing is taking place in your area, and a warning is impracticable or when any delay could lead to death or serious injury to people whom it is your duty to protect or to yourself; and then only (a) against a person using a firearm [which includes a grenade, nail bomb or gelignite type bomb] against members of the security forces or people whom it is your duty to protect or (b) against a person carrying a firearm [which includes a grenade, nail bomb or gelignite type bomb] if you have reason to think he is about to use it for offensive purposes.

[120] An amendment to the Yellow Card appears to have been approved by ministers in July 1972. In a copy of a memo provided to the Inquest the guidance was set out as follows:

"It is not possible to lay down general rules for all particular situations, but the soldier's guiding principle in all circumstances is simply to take reasonable action in order to protect his own life and the lives of others. If the soldier acts reasonably and responsibly, he is not at risk in the courts.

The Yellow Card provides guidance which, if followed, should ensure that the soldier acts lawfully. With specific reference to paragraph 12 of the Yellow Card, soldiers may fire without warning if there is no other way to protect themselves or those whom it is their duty to protect from the danger of being killed or seriously injured."

[121] The inquest also had opened to it a document dated 10 July 1972 and which was headed "conclusions of morning meeting held at Stormont Castle". It was attended by the Secretary of State for Northern Ireland, William Whitelaw. It records an account of events in the preceding weekend in which a fortnight long provisional IRA truce came to an end. It then stated that a number of decisions were taken. At paragraph J it recorded:

"the Army should not be inhibited in its campaign by the threat of court proceedings and should therefore be suitably indemnified."

### **Conclusions from the evidence**

[122] I have set out some but not all of the evidence that was available to me in this inquest. There are voluminous documents, reports and statements created and compiled over the years since the shooting of Seamus Bradley took place. I have set out the evidence that I consider to be most relevant and pertinent to the issues that I have to determine but I have taken into account all of the evidence opened to me during the course of the inquest.

[123] A number of general comments are appropriate at this stage. I have already recorded my understanding of the extreme difficulties posed by the passage of time. The events which took place on 31 July 1972 were short in duration on any of the accounts available to the inquest. The evidence has disclosed the obvious weaknesses in relying on the memory of individuals of brief though intense events over 45 years ago. It is difficult to be critical of any of the efforts by the witnesses to recall exactly what they heard and saw, their own reactions and the sequence of events in such challenging circumstances. Nevertheless my task is to determine the questions posed in this inquest as far as is possible. The appropriate standard of proof is on the balance of probabilities. I do not require absolute certainty, I must be satisfied that there is an account which is more likely than not the correct account. I am entirely satisfied that all of the witnesses have done their best to provide an accurate picture of the events as they recall them. Some of those recollections may have been affected by subsequent life events. Some may have been affected by external influences and some may have been affected by reading the accounts of others. It is clear from some of the evidence

provided, particularly by some of the soldiers, that they have come to doubt their own memories in light of statements they have read written by others of the same events. Soldier 4 for example made a statement on 25 January 2018 in which he said that he believed he had heard soldiers had come under fire. Having read other statements he realised that the army opened fire first and said his memory must be incorrect. Soldier 5 gave evidence that his understanding was that the person was 15 feet up a tree. He accepted that understanding came directly from other statements he had seen.

[124] Much of the evidence that I have considered has both a level of internal inconsistency and a greater level of inconsistency with the accounts of others who apparently witnessed the same events. I have set this out as I want to ensure that the witnesses understand that I do not regard any of their evidence as dishonest. However the task of discerning what evidence I can rely on is made more difficult by the matters I have set out above.

[125] In reaching my conclusions on the evidence, I have satisfied myself that there are in effect three different scenarios to be considered. There was some discussion as to alternate hypotheses involving different shooters in different locations but there is no evidence available to me which can support any of those hypotheses to anything approaching the requisite standard of proof. I will deal with each of the scenarios in turn.

#### Private Jamieson's account

[126] Private Jamieson gave an account of seeing someone running across the waste ground, standing under a tree for approximately 3 minutes, slinging what looked like a submachine gun over his shoulder and climbing a tree. Sergeant Bryden looked through the Starlight scope on Private Jamieson's rifle and saw a man 15 feet up in a tree holding a weapon which appeared to be a Thompson submachine gun. Sergeant Bryden described him standing on a branch and leaning with his back to the trunk of the tree. Sergeant Bryden also saw two men standing at the base of the tree. Sergeant Bryden ordered Private Jamieson to engage the gunman. Private Jamieson fired four shots and said the first two missed. On the third shot he said he saw the person let go of a branch and clutch his ankle. On the fourth shot he fell from the tree, arms and legs apart. Sergeant Bryden had left Private Jamieson after looking through his rifle scope and several seconds later heard several high velocity shots and a loud painful scream. Neither could see the figure lying on the ground.

[127] The first and most obviously difficult issue with this account is that Private Jamieson records that he fired four shots but missed with two. I am satisfied on the forensic and pathologist evidence available to me that the wounds sustained by Seamus Bradley could not have been caused by

two bullets. For Private Jamieson's account to be credible, I must accept that he was wrong in stating that he missed with his first two shots. In considering that issue I have taken into account the forensic evidence available to me. I find the evidence of Mr Arnold to be the most helpful. I am satisfied he is a ballistics expert of some experience. He visited the scene and took measurements. He located where Private Jamieson said he was and where the grid reference of the tree was. He calculated, and this was not disputed in any meaningful way by either Mr Greer or Ms Kiernan, that the elevation of a weapon used to cause wounds on an individual situated in a tree 15 feet above the ground, at the distance of some 175 metres, would be in the range of 2° - 3°. However the inclination of the wounds internally were between 20° and 30°. To achieve that degree of internal inclination Mr Arnold said that Seamus Bradley would have to have moved very considerably within the tree. Seamus Bradley would also have to have presented both the left and right hand side of his body, not only towards the shooter but also in such a way as to explain the angles of trajectory in his wounds. Private Jamieson does not describe such movement. Mr Arnold said that it was inconceivable that Seamus Bradley could have been hit by several high velocity rounds and not show substantial movement. He demonstrated to the inquest the phenomenal amount of energy dissipated into the limbs of a body when struck by a 7.62 bullet. There was pathology evidence before me that an individual can be struck by a bullet and not know he has been hit. There is one of Seamus Bradley's wounds, that to his armpit, which may fall in that category. However, I am satisfied, on the balance of probabilities, and taking into account the nature of the wounds sustained by Seamus Bradley and the circumstances in which he sustained them, that there would have been some reaction from him. Mr Arnold's view was supported by Ms Kiernan. She said that if Seamus Bradley was in the tree and Private Jamieson fired, he would have to have moved considerably between the shots fired.

[128] In following Private Jamieson's account, he said he missed with the first two shots. That meant that if he actually struck with those shots, Seamus Bradley did not move at all. At least two of the wounds would therefore have to be attributable to Seamus Bradley not moving in the tree. I am satisfied that those wounds could not include the wound to the lower calf or the wound to his foot because Private Jamieson says he fired a third shot and saw Seamus Bradley clutching his ankle. If only four bullets were fired, then I have to assume that the same bullet caused the wounds in the right calf and left foot. Seamus Bradley had wounds in both his left and right side which meant he had to present both sides to the stationary shooter. According to Private Jamieson the wound from the right hand side was the third shot. If the first two shots had struck Seamus Bradley and they came from his left-hand side then he would have to have turned to present his right-hand side. This causes some difficulty if Sergeant



Bryden is correct in his account, placing Seamus Bradley with his back to the trunk. If the first two wounds were those to the buttock and thigh, Professor Cassidy in her evidence doubted that there would have been no movement from a bullet which shattered the sacrum. It also seems unlikely that the fourth wound was the armpit wound as this wound required Seamus Bradley to be facing either directly towards the shooter or with his back to the shooter. In order therefore to achieve the totality of the wounds there has to have been a level of movement not recorded by Private Jamieson.

[129] I turn them to look at the circumstances in which Private Jamieson gave his account. It was to a Royal Military Policeman. Soldier 3 confirmed in evidence that he would use an evidence-based approach and took statements by a question and answer process. He explained the agreement in place between the army and the Royal Ulster Constabulary at that time. He said that statements should provide full details of the scene, the build up to the incident and any follow-up action. Soldier 3 said that when taking a statement he would try to get as much detail as possible. I am satisfied that Private Jamieson, in making his statement, would have recorded the movements of Seamus Bradley if they had occurred.

[130] It was suggested that due to recoil, Private Jamieson may have lost sight of Seamus Bradley momentarily in which he would have made movement. I reject this for two reasons. Firstly, I accept Mr Arnold's evidence that the recoil on the rifle used by Private Jamieson would not have caused him to lose sight of his target. Secondly, I do not accept that even if Private Jamieson did not see the movement, he would not have recorded the substantially different presentation of Seamus Bradley for his next shot.

[131] I should comment briefly on the evidence of Mr Greer at this point. He concluded that the scenario presented by Private Jamieson was the most likely scenario. However, he could only reach this conclusion if he made the assumption that Private Jamieson's account was incorrect. He had discounted the accounts given by Mr Bradley and Mr Carton on the basis that neither of those provided clear evidence of twisting or turning or a sufficient number of shots being fired. However, none of the accounts provided gave a complete picture which satisfied the objective factual evidence. Mr Greer confirmed that he worked to a premise that Private Jamieson fired four shots that struck Seamus Bradley in a tree and that he simply excluded anything that did not agree with that premise. In those circumstances I find that I cannot rely on Mr Greer's evidence.

[132] There are other aspects of this scenario that cause me concern. I accept Mr Carton's evidence, as supported by photograph H, that this tree would have been very difficult to climb as it was bare of lower branches.

The scenario requires Seamus Bradley to have climbed this tree in the dark with a Thompson submachine gun slung over his shoulder. Soldier 5 in his evidence said an advantage to a gunman climbing a tree would be to have a better field of view. However, he also accepted that such a gunman makes himself more visible, more vulnerable and an easier target. There is no obvious reason why Seamus Bradley would have climbed a tree in the circumstances. It was dark and there were no military personnel nearby. The tree was in an open area with little cover nearby.

[133] No weapon was found anywhere near the scene.

[134] The forensic experts agreed that they would have expected to see some evidence of Seamus Bradley having fallen from the tree. Mr Greer said he would have expected to see blood staining at the base of the tree. The evidence from Detective Inspector Scott places the closest possible evidence of blood staining at 10 feet from the base of the tree and then intermittently for further distance of 40 feet away from the tree and towards Blighs Lane. Professor Cassidy said she would have expected to see some grazing or chaffing round Seamus Bradley's knees. I am satisfied none such were noted at the time of the autopsy and I am satisfied that the reason was that they did not exist. Mr Arnold also had expertise and qualification in tool marking. He said if the injuries to Seamus Bradley's neck had been caused by falling from a tree he would have expected to see some evidence of the tree associated with the marks. Dr Curtis said that would not necessarily be so, but that possibility is not excluded.

[135] Evidence was given that the soldiers would be familiar with providing grid references. There was no tree identifiable at the grid reference provided by Private Jamieson. Soldier C gave evidence of the grid reference where he said he found Seamus Bradley. That is precisely the same grid reference Private Jamieson gave for the location of the tree. However, soldier C did not pick up Seamus Bradley from the tree itself and Detective Inspector Scott gave evidence of finding staining 10 feet from the tree and a trail of staining for some 40 feet away from the tree. Soldier C's grid reference is wrong and a considerable coincidence that it is exactly the same reference as Private Jamieson provided.

[136] A statement was provided by Deborah Lamberton, the current occupier of 3 Linsfort Drive. She was the person who spoke to Mr Arnold on his site visit. None of the parties sought her attendance to give oral evidence.

[137] She was not born at the time of the incident. She recalled her mother telling her that she saw a soldier taking up a firing position in her garden. Her mother said she went out and told the soldier not to be shooting from her garden. There was no evidence of any shots fired. Ms

Lamberton said her mother said this happened on the morning of Operation Motorman. I do not consider that this evidence tilts the balance in favour of Private Jamieson's account. It is a repetition of a story told by a mother to her daughter sometime after the event. No shots were fired and it may not even have been on the same day or at the relevant time.

[138] On the balance of probabilities I am not satisfied that this scenario is likely to be correct and I discount it as the correct version of events.

#### Daniel Bradley's account

[139] As I have already commented, Daniel Bradley has given a number of different accounts of the circumstances in which his brother was shot. The core of his evidence given to the Inquest is that he saw only one soldier fire at his brother, and that soldier fired two shots. He said the soldier who fired the shots had been in a Saracen which came from Fanad Drive.

[140] I do not intend to rehearse again the many inconsistencies in the various accounts given by Daniel Bradley. They do give me cause for concern and I find it difficult to reconcile the substantial differences even within the wide parameters I have acknowledged about giving evidence concerning events long ago. It is clear from Mr Bradley's evidence that the years since his brother's death have been traumatic and very difficult for him and, I am sure, for the wider family. Much of his evidence appears to be pieced together from poorly understood pockets of information. There was no opportunity for the family to see all of the evidence as a whole. I hope that this inquest process has helped the family to better understand some of the aspects of this case which have clearly troubled and distressed them for many years. The version of events finally settled on by Daniel Bradley cannot account for the wounds sustained by his brother Seamus Bradley. I am satisfied that the wounds were sustained whilst Seamus Bradley was on Bishop's Field. There is no evidence available to me to suggest any other reasonable hypothesis. Much of what Daniel Bradley has asserted in the past is at best conjecture. There is no evidence of close range shooting. There is no evidence of any ill-treatment of Seamus Bradley according to the results of the autopsy and the evidence of all the pathologists. In particular there is no evidence of strangulation, a broken neck or the use of barbed wire. There is no evidence that Seamus Bradley was hung on Bishop's Field or that he was tortured at any stage.

[141] On the balance of probabilities I am not satisfied that this scenario is likely to be correct and I discount it as the correct version of events.

#### Raymond Carton's account

[142] The final scenario to be considered is that contained in Mr Carton's account. He was a young man who witnessed events from his living room window. He placed the time at around 5 am to 6 am in the morning. He saw someone running across Bishop's Field. An army Saracen came onto the Field, the back doors opened, a soldier got out, got down on one knee and pointed a rifle at the running figure. Mr Carton switched his attention to the running figure and saw him stumble and fall. He did not hear any shots but he assumed that the soldier had shot the person. He clearly identified the soldier to be holding a rifle. The Saracen then drove to where the person lay, two soldiers got out and lifted the person into the back of the Saracen. The soldiers got back in and then drove back to the top of Bishop's Field.

[143] Mr Carton first came forward to provide evidence after an advertisement was placed by the Coroners Service in local media in 2017. He was challenged firstly on why he had never come forward before. It was put to him that the death of Seamus Bradley was a very significant event locally. Mr Carton explained that he had never associated the figure he saw on Bishop's Field with the death of Seamus Bradley, which he believed occurred some distance away at St Peter's school. It was further suggested to Mr Carton that his account had been unconsciously influenced by the information contained on a Memorial to Seamus Bradley erected by Daniel Bradley nearby.

[144] For Mr Carton to come forward at such a late stage must have been very difficult for him. He has had no involvement in these matters until 2017. He has no known connection to Seamus Bradley or his family. He had no obvious reason to come forward other than the one given by him. I am satisfied that the events of Operation Motorman were of great significance especially to the residents of areas directly affected by them. There had been considerable build up and deliberate attempts by the government to emphasise the scale of the operation. The IRA had initially threatened defiance but this did not materialise. The army personnel involved on the ground were not aware of this development. They still anticipated and were prepared for considerable resistance.

[145] I had the advantage of watching and hearing Mr Carton give his evidence. It was detailed and credible. He gave a full account of what he saw on what was clearly a memorable event. He provided a clear explanation for why he had never associated the death of Seamus Bradley with the figure he saw fall on Bishop's Field. I am satisfied that he was entirely unaware of the Memorial to Seamus Bradley until some two years before he gave evidence. That left a period of over 42 years in which he had formed his own clear memory. I am satisfied the Memorial has not influenced his memory in any meaningful way. Whilst the Memorial did refer to aspects of the incident which were similar to Mr

Carton's account, it also contained other information about the incident which was not consistent with his evidence. Daniel Bradley confirmed he provided the information on the Memorial and it accords with some of his earlier statements about the shooting. I am satisfied Mr Carton did not attempt in any way to overplay his recollection and he was appropriately forthright when being pressed for details during his evidence. He avoided any attempt to embellish his account.

[146] He is a man whose character has not been questioned in anyway during these proceedings. At the time of Operation Motorman he was a young apprentice electrician. He then spent 22 years working in the DuPont factory in Derry and subsequently worked in the public sector. He lived at his family home address at the time with his mother and his much younger sister. He had a twin brother who suffered from mental health issues and who did not live at home at that time. He gave a description of his mother, who also witnessed the incident, being upset and wanting him to come away from the window. I have been provided with no reason that I should cast the slightest doubt on the account provided by Mr Carton and I accept that in its entirety. I am very grateful to him for coming forward even at such a late stage to provide his assistance to the coroner and to this inquest.

[147] Even in accepting Mr Carton's account, there are still gaps. The first is the identity of the figure he saw running across Bishop's Field. I am satisfied that the figure was Seamus Bradley. There was no one else placed by any of the evidence on Bishop's Field that morning. It was Seamus Bradley who was recovered and placed in an army Saracen at a time which matches with Mr Carton's account. Seamus Bradley was located by the Saracen in the same place that Mr Carton identified seeing the figure fall.

[148] Mr Carton did not hear shots fired, nor did he see muzzle flash from the weapon. I attach no significance to the latter point as Mr Carton was clear that his focus was on Seamus Bradley when he saw him fall. There is no evidence before me that Mr Carton would have heard any shots fired almost 200 metres away from where he stood in his living room behind closed windows. I accept his evidence. Similarly, I accept that he made the natural assumption from the scene that was unfolding before his eyes that the soldier had fired at Seamus Bradley and hit him. That inference is entirely reasonable and one which, on the balance of probabilities, I am satisfied is correct. I find therefore that the soldier who got out of the Saracen, dropped to one knee and pointed his rifle at Seamus Bradley then fired shots at him and struck him.

[149] Both Mr Arnold and Ms Kiernan, the forensic experts considered this scenario the most likely and the one which fitted the known objective facts most closely. Mr Arnold said that Mr Carton's account was consistent with the ballistic and other evidence available to him. Ms

Kiernan said that Mr Carton's account was more in keeping with the injuries sustained by Seamus Bradley than other accounts. Mr Greer said that there was nothing to say that the injuries to Seamus Bradley could not have been sustained in the way that Mr Carton had described the scene. He said that it was not known how many bullets may or may not have been fired from Mr Carton's account but if at least four shots were fired at that stage then all four shots could have caused the five wounds to Seamus Bradley. The nature of the wounds and the differing internal inclinations of trajectory can be explained by the movement of Seamus Bradley's body both running and falling to the ground. It was also possible that shots were fired when Seamus Bradley was on the ground. There is some dispute as to whether the wound to Seamus Bradley's left armpit was a front to back wound or back to front wound. Professor Marshall was of the view that the wound was front to back. Dr Curtis initially felt it was back to front and then said front to back. Professor Cassidy said it was too difficult to decide. Mr Arnold, from his experience of viewing high velocity wounds considered it was back to front but did qualify his opinion by saying he was not a pathologist. I am unable to reach a firm conclusion on the balance of probabilities but that does not, in my view, render the account given by Mr Carton unlikely or unreliable.

[150] Mr Carton's account does not accord with the various statements made by army witnesses who said they were tasked to go onto Bishop's Field and look for and retrieve an individual who may have a weapon. There were considerable inconsistencies between the various accounts given. In particular there were substantial inconsistencies in how the Saracen was tasked to retrieve Seamus Bradley.

[151] Soldier 4 in his statement was completely at odds with other accounts. He said he believed that soldiers had come under fire and that he reported the matter to Battalion headquarters who arranged an ambulance and had Seamus Bradley removed. He believed Seamus Bradley was taken to St Mary's School and thereafter the civilian authorities took him to hospital. Before making his initial statement he had seen contemporaneous statements made by Private Jamieson, Sergeant Bryden, Soldier C and Soldier D. He was vague in his recollection in oral evidence and more than once made reference to reading the statements of others.

[152] Soldier 5's recollections were even more vague. He had no direct involvement in the incident or the follow-up.

[153] Soldier 2 said he was tasked to investigate a man "running about in the ditches". He did not know who had issued the order and said that it was only when they found the man they realised he was shot. He said he remembered events vaguely and had concerns regarding his memory.

[154] Soldier C did not recall being tasked to search for an injured person. He could not recall any order coming through or being told anything about the person that they were looking for. Initially he could not recall if he was in fact soldier C, that is the same person who had given a statement on 1 August 1972. This soldier had also seen statements of others and was aware of previous evidence given to the inquest.

[155] Soldier F gave an account of being in the house which he believed was the headquarters of the company commander at the time and was given instructions verbally by the company commander. He was told there had been a shooting, there was a casualty and he was tasked to go and recover the casualty. He said that he then ran a couple of hundred yards from the command headquarters to his Saracen which was situated at the junction of Central Drive and Linsfort Drive. Soldier 4 however said he was in his command Saracen at the time he reported the incident to Battalion headquarters who in turn arranged for an ambulance to arrive to take Seamus Bradley away. Soldier F described the tree near which he found Seamus Bradley to be 15 feet in height. He also appeared to anticipate some of the questions being asked as if he had prior information. For example, he appeared to pre-empt a question asked by counsel to the coroner about whether Seamus Bradley fell out of the Saracen when the doors were opened at St Peter's School, although he denied that he had heard that allegation before. His identification of a tree 15 feet in height does not sit easily with the information available to the inquest about trees in that area, but resonates with other accounts placing Seamus Bradley 15 feet up in a tree. At its height the evidence of soldier F does not preclude the possibility that shots were fired from the Saracen parked at the junction of Central Drive and Linsfort Drive whilst he was out of the vehicle.

[156] There is no coherent thread of evidence running through the various accounts of the military personnel as to what happened immediately before the Saracen went across Bishop's Field to pick up Seamus Bradley. I am satisfied that these accounts do not undermine the evidence of Mr Carton to the extent that I should not accept his evidence for the reasons given.

[157] Finally there is some confusion about when Seamus Bradley was shot. Some of the military accounts place the shooting at around 4.45am when it was dark, and the collection of Seamus Bradley approximately 1 hour later. None of the witnesses were in a position to give evidence directly on the point. Soldier 4 believed that the shooting happened when it was still dark and he made a decision to wait until it was lighter before sending a patrol out. However he has already accepted that he had seen various statements before he made his statement and his other recollection is clearly inconsistent with the events that are verifiable.

[158] The communication logs give little help. It is surprising that so much of the records that should have been available have been lost or destroyed by the Ministry of Defence. Those that survive are piecemeal and of barely legible quality. They were considered by Soldier 4 who should have had some familiarity with such communication records. I am satisfied that the only entries available to the inquest which are potentially relevant to this issue are an entry log at 05.32 referring to 1 Royal Scots stating "man shot in leg. No gun found," and a further entry at 06.16 stating "man shot and recovered". I am satisfied that the earlier entries in the communications logs do not relate to this incident. Grid references as given in the log entry at 04.50 do not match the grid references in this case. That communication originated from the Second Light Infantry. The other log at 04.57 refers to a different Regiment, only one shot fired, only one hit claimed and bears little resemblance to the account given by Private Jamieson and Sergeant Bryden. There is nothing therefore in the logs which is inconsistent with the account given by Mr Carton.

### **Was the shooting justified?**

[159] I have determined that Seamus Bradley was shot by a soldier. The question then arises as to whether the use of lethal force by the soldier was justified. In my view, in the circumstances of this matter, the answer is plainly no.

[160] The law permits the use of force by an individual where there is an honest belief that it is necessary to do so to defend himself or another person. The use of force in such circumstances must be reasonable and no more than is absolutely necessary. A soldier is in a slightly different position and particularly so when he is tasked to provide assistance to the civilian authorities. In this case the soldiers were equipped with high velocity weapons, the use of which was likely to cause serious injury or death. Strict instructions and controls are in place to ensure that a soldier is aware of the responsibility placed upon him and the circumstances in which it may be appropriate to fire at another person. Those instructions are contained within the Yellow Card.

[161] It is unclear in this case whether or not a warning was given to Seamus Bradley by the soldier who fired at him. In either event paragraph 12 of the Yellow Card is the relevant provision in play at the time. This provides that a soldier may fire after warning;

"if there is no other way to protect yourself or those whom it is your duty to protect from the danger of being killed or seriously injured."



[162] Seamus Bradley was running across an open area of ground. He had no weapon. He was clearly visible and the fact he did not hold a weapon was clearly visible. As he was running an army Saracen entered the same piece of ground. Almost immediately a soldier got out of the Saracen, took up a firing position and fired shots at Seamus Bradley ultimately causing his death. At the time of the shooting there was no other immediate or apparent threat to the soldiers in that area.

[163] I am satisfied that the soldier who fired the shots could not have held an honest belief that firing on Seamus Bradley was absolutely necessary to protect either himself or others from being killed or seriously injured. There was no reason why the Saracen could not simply have pursued the running figure, who was only halfway across the open ground when the Saracen first appeared. There is no suggestion that the decision made by the soldier to fire was one made in the heat of the moment or under particular pressure of external events. I am satisfied that the force used was more than absolutely necessary in the circumstances.

[164] I therefore conclude that the use of force by the soldier who caused the death of Seamus Bradley was not justified. On the evidence available to me I cannot identify that soldier. There is a lack of clarity from the military witnesses as to who precisely was in the Saracen. The accounts provide no assistance in establishing the identity of the soldier who shot Seamus Bradley.

[165] I have identified the approximate time of the shooting by reference to Mr Carton's evidence, the timing on the military logs and Mr Murphy's evidence that sunrise on the 31<sup>st</sup> July 1972 was between 05.39 and 05.43. I am satisfied on the balance of probabilities that the shooting occurred at some time between 05.15am and 06.15am, and the time of death between 05.15am and 06.30am.

### **The planning control and regulation of the operation**

[166] I have found that the use of force by the soldier who shot Seamus Bradley was not justified. In those circumstances I must then examine how the use of weapons was regulated and organised by the State and whether it was done in such a way as to minimise to the greatest possible extent any risk to life.

[167] I am satisfied that the soldiers were familiar with and trained in the circumstances in which they could open fire as set out in the Yellow Card. I have already set out the general background to the turbulent year that was unfolding in 1972 and in particular the circumstances relating to the mounting of Operation Motorman. I am satisfied that this was a massive military operation which was, in all the circumstances, well organised and it would appear in large part well executed. The purpose

of the operation was to clear "no go" areas and substantial resistance was anticipated. The security forces put considerable operational and organisational structures in place. The soldiers themselves believed that they were facing a very high threat level and armed resistance from the Provisional IRA. Whilst the Army did meet opposition, the available records show that it was much more limited than had been anticipated. That must be due at least in some part to the level of preparation by the army and the advance notice given of the operation to all concerned. I am satisfied that the operation was planned and controlled in such a way as to minimise as much as possible the need for recourse to lethal force.

[168] I have referred to the amendment made to the Yellow Card approved by ministers in July 1972. It had the effect of allowing soldiers to fire without warning if there was no other way to protect themselves or those whom it was a duty to protect from the danger of being killed or seriously injured. It removed the requirement of having to positively identify the person having a firearm. It was contended on behalf of the next of kin that the amendment to the yellow card permitted a soldier to form a subjective judgement and that soldiers then enjoyed an unfettered and uncircumscribed discretion to shoot without warning. I do not read the amendment in that way. There is a clear restriction on the circumstances in which a soldier may open fire. The amendment removes the necessity of the subject using or carrying a firearm. Paragraph 12 still placed an obligation on the soldier not to open fire unless there was no other way to protect himself or others from being killed or seriously injured. There is no evidence before the inquest that such risk existed.

[169] The next of kin also argued that the minutes of a meeting on 10 July 1972 should be read in conjunction with the amendment to the Yellow Card and be construed as a direction that soldiers could utilise lethal force with a high level of impunity. There is no evidence that the soldiers were aware of any such exemption and no evidence that any of the army witnesses had interpreted the Yellow Card instructions in this way. Indeed if a soldier was relying on this wider discretion to justify a shooting, I would expect that to be clearly set out as part of the basis for his decision. In fact in this case the only explanation or justification given is by Private Jamieson and Sergeant Bryden and they do so by express reference to the possession of a weapon by Seamus Bradley. Any supposed exemption or authorisation is simply irrelevant to those circumstances.

[170] One area of the planning however, which did appear deficient, on the basis of the evidence before this inquest, was the preparation for casualties whether military or civilian. In circumstances where the army was prepared to face substantial resistance and anticipated the possibility of armed attacks, booby-trap bombs and rioting, there appears to have

been little or no regard to the potential outcome of such events. Several of the soldiers gave evidence that they had absolutely no training in basic first aid. Others, including soldier D, the Doctor who eventually saw Seamus Bradley, said such basic training would have been provided to each of the soldiers and they would have carried individual first aid packs. Only one soldier, Soldier F, acknowledged having such training. None of the soldiers knew where the nearest hospital was. None were able to directly contact civilian ambulances. There was some confusion as to where appropriate first aid posts were, and what support would be available to an injured person being brought to such a station. The description by Soldier D of the facilities he had at St Peter's School were very much for basic first aid. There was no evidence of any provision or planning made to deal with serious injuries, which must have been anticipated from an operation of this magnitude.

[171] I have received evidence that with appropriate treatment Seamus Bradley could have survived his injuries. I have received evidence that Altnagelvin hospital had the relevant expertise to deal with his injuries. In the context of this matter, I find that if basic first aid had been provided to Seamus Bradley by the soldiers who collected him, and he was then transported swiftly to hospital, he may well have survived his injuries.

[172] The way in which an operation is regulated and the regulation of the use of force is also impacted by the way in which any necessary investigation of a shooting incident is conducted.

[173] At the time of this incident an agreement had been reached in 1970 between the GOC and the Chief Constable of the RUC which governed the investigation of fatal shooting incidents involving soldiers. The RUC would deal with civilian witnesses and the Royal Military Police would interview military witnesses. Soldier 3 was a Royal Military Policeman who interviewed Private Jamieson and Soldier C. His evidence demonstrates the substantial limitations to the appropriate investigation at that time.

[174] The authorities are clear in their criticism of the way in which investigations were conducted at that time. See for example *R v Foxford* [1974] NI 181 and *Re Marie Louise Thompson's Application for Judicial Review* [2003] NIQB 80.

[175] Soldier 3 interviewed Private Jamieson once. He had no information relating to the shooting, had not seen the body, did not see the autopsy report and had no means of questioning the account provided by Private Jamieson. He said in evidence he was not an investigator, he was an evidence gatherer. He gave evidence of a great urgency in taking a statement immediately but could not explain why such urgency was

required. He had been sent to Ebrington Barracks but had no ability to move around the city or carry out his own investigations. Soldier 3 frankly accepted that he relied on what Private Jamieson told him and what other soldiers told him. He took those statements back to his headquarters in Lisburn and handed them in. He had no further involvement and was unaware of any case, including this one, where police subsequently had spoken to a soldier or that he had been asked to go back and ask further questions of the soldier. The eventual production of other statements and the results of the autopsy should have resulted in further interviews of, at the very least, Private Jamieson and Sergeant Bryden as their accounts did not tally with the objectively available facts.

[176] At the time of the incident there was no crime scene established. I consider that this was understandable in the immediate hours after the shooting. However Detective Inspector Scott did visit the scene the next day. No photographs were taken, no samples were taken and no measurements were taken. The inquest had a copy of the deposition made by Detective Inspector Scott to the original inquest in 1973. He makes no reference as to what information he had before attending the scene, whether he had seen any statements, how he identified the location, any details of the location he examined or any further enquiries he deemed appropriate.

[177] I am satisfied that at the time the accounts given by Private Jamieson and Sergeant Bryden were accepted without any critical analysis. This is made all the more concerning because there was clear evidence available from the autopsy that Seamus Bradley had sustained five wounds caused by at least four shots and there was a complete lack of evidence as to how that had occurred. By the time of the inquest the family had been raising concerns about potential ill-treatment. Although I have found that there is no evidence of such ill-treatment, there was no attempt at that time to investigate those complaints. It appears that the "official" version was simply accepted at face value.

[178] In all the circumstances I find that the investigation into the death of Seamus Bradley was inadequate.

### **Anonymity**

[179] Before the hearing of evidence in this inquest I considered a number of applications for anonymity from military witnesses. After an oral hearing with submissions from the Ministry of Defence and next of kin and by way of written ruling I allowed anonymity to those witnesses who have been given ciphers in these proceedings. By agreement Private Jamieson and Sergeant Bryden have been named as they are both deceased.

[180] At the conclusion of the evidence I was asked to review my decision in relation to these witnesses, with the exception of Soldier 3, by the next of kin. I do not intend to set out the content of that earlier ruling in its entirety. It was agreed that the correct legal test in considering the applications was whether or not there is a real and immediate risk to the life of an applicant if he gives evidence to the inquest openly without the benefit of any special measures. I considered the authorities, in particular the judgements in *Re Officer L* [2007] UK HL 36 and *Re Officer C and Others* [2012] NICA 47. A real and immediate risk is one which is neither fanciful nor trivial and which is present. I took into account the application from each witness, individual threat assessments, PSNI and MI5 security reports, personal statements, medical evidence and information regarding dissident Republican attacks over recent years. Whilst acknowledging the need to make the inquest as open as possible and taking into account the interests of all the parties, including the public interest, I determined that the risk to the witnesses, should they each give evidence without the assistance of special measures, to be real and immediate.

[181] The next of kin invite me to discharge the anonymity orders made and have relied in particular on the following matters;

- a. The witnesses have completed their evidence and are no longer in Northern Ireland;
- b. There has been a change in the general threat level from Northern Ireland related terrorism in Britain from substantial to moderate;
- c. There was a change in the nature of the allegations made by the next of kin against soldiers in the case and
- d. There was limited publicity and reporting in relation to the inquest proceedings.

[182] It is entirely correct that any question of anonymity of a witness should be kept under review during the course of an inquest. In this case I have taken into account the arguments made on behalf of the next of kin and I have reviewed all of the original information to determine whether there has been any material change such that the balance has shifted away from maintaining anonymity for the individual witnesses. Although I am treating the issue collectively in this decision I have considered the individual circumstances of each witness.

[183] I acknowledge that the witnesses have completed their evidence and are no longer in Northern Ireland. In fact not all of the witnesses who were granted anonymity physically attended the inquest proceedings. Soldier D and Soldier F also sought and were granted a special measure to allow

them to give evidence by video link from locations in Great Britain. The decision to grant anonymity was based on a wider range of considerations. There is no material change to the circumstances of the witnesses.

[184] There has been a change in the general threat level from Northern Ireland related terrorism in Great Britain from substantial to moderate. Whilst this is to be welcomed there is no evidence to say that this will alter the specific threat to these witnesses. The individual threat assessments were assessed for each of the witnesses as low with the potential to rise to moderate.

[185] The next of kin has asserted that there was a change in the nature of the allegations made by the next of kin against soldiers. Whilst Daniel Bradley in his evidence withdrew the allegation of barbed wire being placed round his brother's neck, he maintained in large part the other allegations of mistreatment which were a feature of his various accounts of the incident.

[186] It is fair to say that there was perhaps less media coverage of the evidence given in this inquest than might have been anticipated by the parties. However the inquest is only concluding now with this decision and may still attract media and public interest.

[187] In all the circumstances and having reviewed the matter in relation to each of the anonymised witnesses I am satisfied that the risks to those witnesses in having their identities revealed cannot be regarded as fanciful nor trivial or not present. The witnesses did attend and gave their evidence. They were visible to the coroner and to the legal representatives. The evidence was challenged and tested and the fact of anonymity did not impede the fairness of the inquest.

[188] I am satisfied that the witnesses should retain anonymity. I refuse the application to remove anonymity from each of the protected witnesses.

## **Findings**

- The deceased was James Oliver Bradley, more commonly known as Seamus Bradley, of 12 Eastway Gardens in Derry.
- Seamus Bradley's date of birth was 16th of July 1953. He was born at Altnagelvin Hospital in Derry. He was 19 at the time of his death.
- He was a single man employed as a scaffolder.
- His father was James (Seamus) Bradley and his mother was Frances Bradley.

- Seamus Bradley died on 31 July 1972 at a time approximately between 05:15 am and 06.30am. He died in the rear of a Saracen whilst in the custody of soldiers belonging to the 1 Royal Scots Regiment.
- The cause of his death was laceration of his left femoral artery due to a gunshot wound.
- That injury amongst others was sustained when he was struck by at least four bullets fired by a soldier of the 1 Royal Scots Regiment.
- Seamus Bradley was on an open area of ground known as Bishop's Field, Derry when he was shot.
- The soldier who shot him had got out of a Saracen located on Bishop's Field near the junction of Central Drive and Linsfort Drive, knelt on one knee near the rear of the Saracen, aimed his rifle at Seamus Bradley and shot him several times.
- The shooting took place at around 05.15am to 06.15am.
- Seamus Bradley was running across Bishop's Field away from the Saracen and did not have a weapon.
- He could not reasonably have been perceived as posing a threat of death or serious injury to the soldiers in the Saracen or any other person.
- The use of force by the soldier was entirely disproportionate to any threat that could have been perceived.
- The identification of the soldier who shot Seamus Bradley cannot be made.
- The soldier who shot Seamus Bradley did not adhere to the terms of the Yellow Card.
- The soldier was not justified in opening fire.
- Seamus Bradley was collected by the same Saracen and taken to St Peter's school which was a designated aid station. He died en route to that aid station.
- No first aid or medical assistance was provided to Seamus Bradley by the soldiers. If such aid had been provided then there was a reasonable prospect that Seamus Bradley may have survived the shooting.
- Seamus Bradley was not mistreated by military personnel in the Saracen in the form of physical assault, torture or shooting. However he was denied even the most basic form of first aid treatment.

- Operation Motorman was not planned, controlled or regulated in order to minimise to the greatest extent possible the risk to life, principally because of the lack of planning for casualties, both civilian and military.
- The investigation into the death of Seamus Bradley was flawed and inadequate.